

Affected Agency Notified: Yes
Emergency Required: No
Budget Adjust. Required: No
Board Rec. Required: Yes
Public Hearing: January 25, 2010
Sponsor: Rushefsky
Date: December 30, 2009

EXPLANATION TO COUNCIL BILL NO. 2010 -

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone the subject property generally located at 245 and the 300 block of S. National Avenue, from a R-HD, High-Density Multi-Family Residential District with Walnut Street-West Urban Conservation (Overlay) District to a CC, Center City District.

ZONING CASE NUMBER Z-02-2010

BACKGROUND INFORMATION:

The applicants are proposing to rezone approximately two (2) acres of property from a R-HD, High-Density Multi-Family Residential District with Walnut Street-West Urban Conservation (Overlay) District to a CC, Center City District. There are six (6) separate property owners involved with the proposed rezoning request. The current uses allowed in the Walnut Street-West UCD is similar to the LB, Limited Business District uses. The proposal would remove these properties from the Walnut Street Urban Conservation District and from being subject to the Walnut Street Design Guidelines which are enforced by the Landmarks Board.

RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on January 7, 2010 and recommended __, by a vote of __ to __, of the proposed zoning on the tracts of land described on the attached sheet (see the attached Record of Proceedings).

The Planning and Development staff recommends **tabling** of the proposed zoning (see the attached Zoning and Subdivision Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. The Public Works Traffic Division has determined that the change in zoning will result in a significant increase in trip generation; therefore a traffic impact study is required. The Traffic Impact Statement should provide analysis of each site access to National Avenue, and the intersections of St. Louis Street, Walnut Street, Elm Street, and Cherry Street.

FINDINGS FOR COMMISSION TO RECOMMEND DENIAL:

1. The CC, Center City District is intended for mixed uses that accommodates a variety of residential, commercial and light industrial uses. It is intended for older commercial and light industrial areas, particularly the Central Business District and Commercial Street area that tend to accommodate a wide variety of uses. The Center City District is inconsistent with the existing intensity of uses located along National Avenue and this location does not meet the intent of the district.
2. The City has made prior agreements and developed a preservation plan for the area that protects the historic structures and adjacent residents from redevelopment of high intensity as proposed.

FINDINGS FOR COMMISSION TO RECOMMEND APPROVAL:

1. None

Submitted by:

Approved by:

Michael KMACPHERSON

Planning and Development

City Manager

EXHIBITS:

Exhibit A, Legal Description

Exhibit B, Record of Proceedings

Exhibit C, Location Map

ATTACHMENTS:

Attachment 1, Background Report

Attachment 2, Neighborhood Meeting Summary

Attachment 3, Walnut Street-West UCD Ordinance

Attachment 4, Neighborhood Correspondence

Attachment 5, Mr. Sweere's Correspondence with the City

Attachment 6, City Council Memorandum

Attachment 7, University Plaza Mitigation Agreement (1981)

EXHIBIT A
LEGAL DESCRIPTION
ZONING CASE Z-02-2010

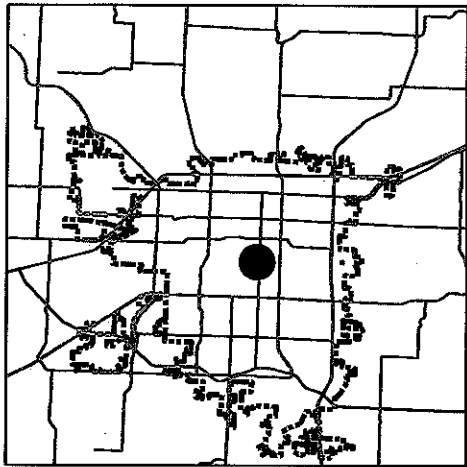
Hawthorne Addition Lots 4, 5, 6, and 7 in the City of Springfield, Greene County, Missouri

Hawthorne Addition Lot 8 and West ½ of partially vacated Alley Lying East and Adjacent thereto in the City of Springfield, Greene County, Missouri

East Side Addition Lots 28, 41, 42, 43, 44, and 45 in the City of Springfield, Greene County, Missouri

EXHIBIT B
RECORD OF PROCEEDINGS
ZONING CASE Z-02-2010

(The Record of Proceedings will be prepared for the City Council meeting)



Zoning & Subdivision Report

Planning & Development - 417/864-1611
840 Boonville - Springfield, Missouri 65801

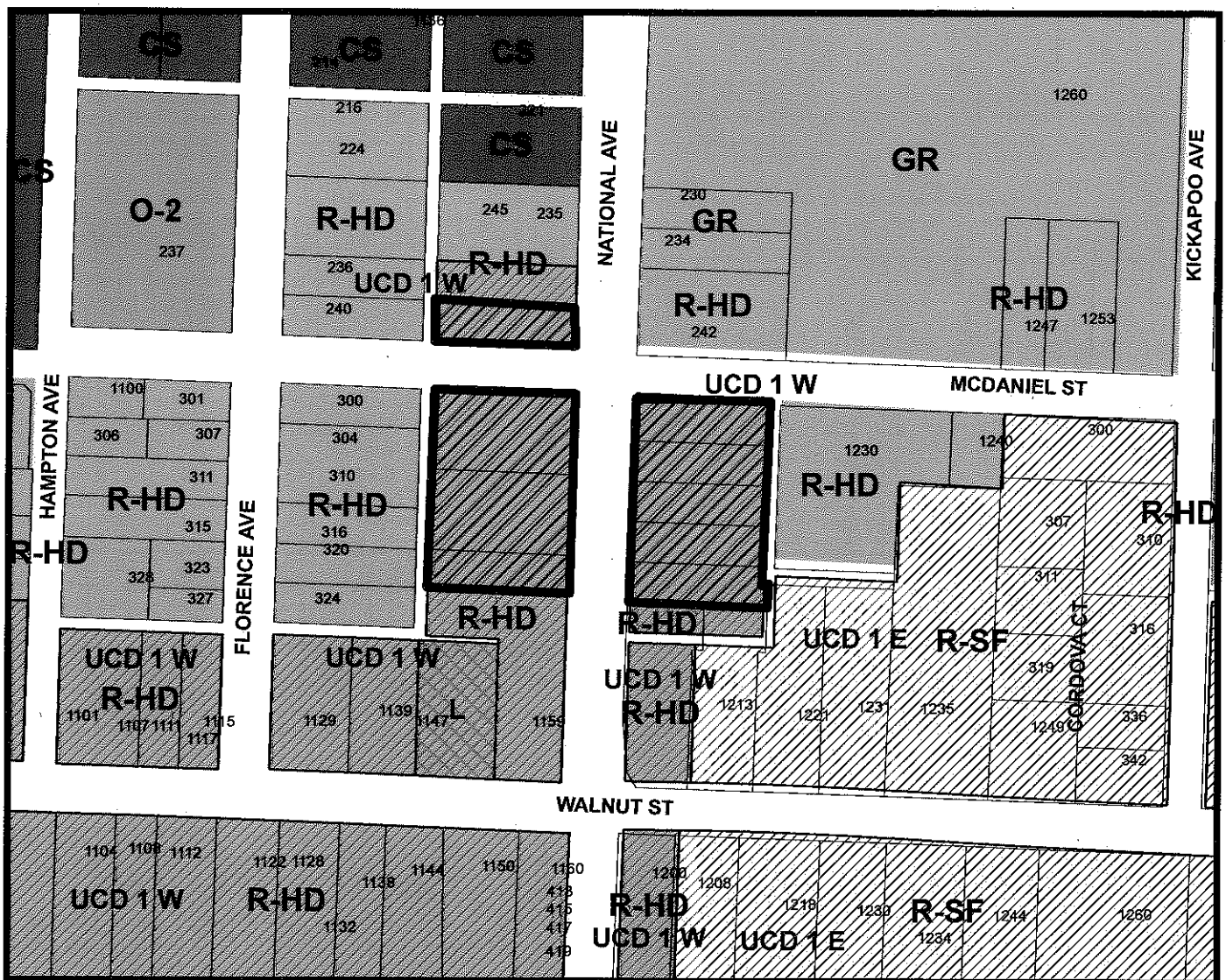
Z-02-2010

Location: 245 & 300 block S. National Avenue

Current Zoning: R-HD, High-Density Multi-Family Residential with Walnut Street-West Urban Conservation (Overlay) District

Proposed Zoning: CC, Center City District

LOCATION SKETCH



- Area of Proposal



1 inch = 200 feet

ATTACHMENT 1
BACKGROUND REPORT
ZONING CASE Z-02-2010

DATE: December 30, 2009

LOCATION: 245 and the 300 block of S. National Avenue

APPLICANTS: SFS Properties, LLC c/o Robert Sweere, Kirk Heyle Trust, Ronald Conway, Julie Conway, Linda Hunt, Goforth Creations, LLC c/o Ben Goforth

TRACT SIZE: Approximately two (2) acres

EXISTING USE: Residential, office and commercial uses

PROPOSED USE: Center City uses

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	R-HD	Residential and office uses
East	R-HD & R-SF	Single-family and Multi-family uses
South	R-HD	Personal service and office uses
West	R-HD	Single-family residential

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

1. Trip generation of proposed use is more than 1,000 daily trips and 100 peak hour trips more than for current zoning. A traffic impact study is required by the applicant.
2. The Traffic Impact Statement should provide analysis of each site access to National Avenue, and the intersections of St. Louis Street, Walnut Street, Elm Street, and Cherry Street.
3. Provide additional right-of-way on National Avenue to 50 feet from centerline or section line (approximately 10 feet per side) and 10' by 10' triangles at each street corner.
4. No access is permitted to National Avenue within 200 feet of McDaniel Street and 170 feet of Walnut Street (distance to existing alley), or within 200 feet of any other access.

5. Address use of alleys for site circulations, access to properties on adjacent street, and bufferyard adjacent to alley. Alleys must meet normal site circulation standards to be a part of site circulation.
6. Staff will consider dedication of alley right-of-way at a new location that better addresses site needs and vacation of existing alley right-of-way that is no longer needed.

BUILDING DEVELOPMENT SERVICES COMMENTS:

1. There is insufficient information to evaluate the existing uses on the properties to verify either proposed zoning district will create non-conformities. Any use that is made non-conforming by a change in the zoning district must obtain a "Certificate of Occupancy" in accordance with section 5-1706 of the zoning ordinance.

STORMWATER COMMENTS:

1. Drainage patterns for any runoff currently flowing across the site must not be blocked or altered by any future construction.
2. Any increase in impervious area from 1983 aerial photo information will require the development to meet current detention and water quality requirements. Impervious surfaces in place prior to 1983 and in currently in good condition can be credited as existing impervious surface.
3. Concentrated points of discharge from these improvements will be required to drain into a natural channel, public right-of-way, or a drainage easement.
4. Any redevelopment is required to meet the current requirements of the Storm water Design Criteria Manual at time of development.
5. Provide a sediment and erosion control plan at time of development.
6. Provide a MDNR and/or City Land Disturbance Permit at time of development, if disturbing one acre or more or in a protected watershed.

SANITARY SERVICES COMMENTS:

No issues. All tracts currently have sewer service available.

ADJACENT PROPERTY OWNER COMMENTS:

Twenty-nine (29) property owners are located within one hundred eighty-five (185) feet of the subject property and were notified by mail of this request. Staff has received multiple e-mails from adjacent property owners (see Attachment 4).

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting regarding the rezoning request on December 14, 2009 at the Wing Shack, 307 S. National from 4-6 p.m. One-hundred forty-eight (148) property owners were notified. Five (5) residents were present. A summary of the meeting is attached (Attachment 2).

STAFF COMMENTS:

1. The applicants are proposing to rezone approximately two (2) acres of property from a R-HD, High-Density Multi-Family Residential District with Walnut Street-West Urban Conservation (Overlay) District to a CC, Center City District. There are six (6) separate property owners involved with the proposed rezoning request. The current uses allowed in the Walnut Street-West UCD is similar to the LB, Limited Business District uses (see Attachment 3). The proposal would remove these properties from the Walnut Street Urban Conservation District and from being subject to the Walnut Street Design Guidelines which are enforced by the Landmarks Board.
2. The Memorandum of Agreement for the University Plaza Redevelopment Project (Attachment 7) was executed in 1981 between the City of Springfield, the State Historic Preservation Office, Historic Sites Board and the Advisory Council on Historic Preservation. Intended to mitigate the effect of the demolition and redevelopment project on the historic resources in the University Plaza area, one section of the Agreement directed the City to “undertake a preservation planning project leading to the designation of an East Walnut Street Historic District for the area of residences which are a part of the Walnut Street and Hampton Wedge residential areas outside of the redevelopment area (University Plaza). The designation will be sought at the City and National Register level.” (Mitigation Agreement Section V.) The Walnut Street Preservation Plan recommended designation of a National Register District and local controls protecting the historic resources for an area along both Walnut Street and National Avenue based on the preponderance of historically significant resources. From this preservation plan and historic surveys, the City rezoned two (2) sections of Walnut Street into Urban Conservation Districts (UCD). The Walnut Street-West UCD seeks to enhance the underlying residential zoning by allowing unique commercial and office uses that are typically not allowed in residential districts. These non-residential uses must occur within the historic structures. New construction may only include residential uses. The purpose of this special zoning was to use the non-residential uses as an incentive for preserving the historic structures. The UCD also restricts demolition of structures without showing an economic hardship and requires any exterior work to be approved by the Landmarks Board. The Walnut Street-East UCD is made up of single-family homes and requires Landmarks Board approval for any exterior work.
3. Staff believes from prior conversations and inquiries that the applicant’s are asking to be rezoned specifically because they would like to avoid the Landmarks Board review and design requirements for the historic district (See Attachments 5 & 6). It is important to note that all property owners have purchased their properties after the Walnut Street Urban Conservation District was adopted by City Council in 1984.

4. The Growth Management and Land Use Plan of the City's Comprehensive Plan designates this area as appropriate for greater downtown and medium- or high-density housing uses. Since these land uses may have differing impacts on adjacent low-density housing and on traffic generation, the site planning guidelines of this plan and regulations of the Zoning Ordinance must be observed during the site planning process. The Walnut Street Preservation Plan was conducted in the early 1980's and provided staff with a specific area plan on the future development. This plan and further Council action implemented the preservation of the housing within the Walnut Street-West UCD boundaries. This plan and further Council action implemented the preservation of historic structures within the Walnut Street-West UCD boundaries.
5. The Center City District is intended to be a mixed-use district that accommodates a variety of residential, commercial, and light industrial uses. It is intended for older commercial and light industrial areas, particularly the Central Business District and Commercial Street area that tend to accommodate a wide variety of uses. These areas generally developed early in the city's history and do not display the characteristics typical of modern suburban development. These areas may also be experiencing or be in need of rehabilitation or redevelopment. This district is intended to accommodate the transition that must occur if these areas are to contribute to the vitality of the city.
6. National Avenue is classified as a primary arterial. Public Works Traffic Division determined that the change in zoning will result in a significant increase in trip generation; therefore a traffic impact study is required. The Traffic Impact Statement should provide analysis of each site access to National Avenue, and the intersections of St. Louis Street, Walnut Street, Elm Street, and Cherry Street.
7. The Center City District does not have bulk plane, parking or building setback requirements. It has no maximum structure height and a maximum floor area ratio (FAR) of 10.0. There are no open space requirements and the maximum lot coverage is one-hundred (100) percent. It is one of the City's most intense zoning districts.
8. The Center City District does not require off-street parking which may have a direct impact on the adjacent residential properties. The potential intensity of the redevelopment coupled with lack of or inadequate parking poses a threat to the health and integrity of the rest of the historic resources within the Walnut Street Urban Conservation District. Because Center City zoning permits 100% lot coverage by a building, it is conceivable that development could occur on this property at such a scale as to force customer parking into the surrounding neighborhoods.
9. The Center City District does not include design guidelines for new development. The lack of design guidelines, bulk plane and building setbacks, coupled with the possibility of 100% lot coverage, means that a large structure or structures could be built on this property that towers over adjacent neighborhood historic resources.

10. The Zoning Ordinance requires a Bufferyard "J" between the CC, Center City District and any adjacent residential districts. The Bufferyard "J" only requires a six (6) foot solid wood fence, masonry wall, solid evergreen hedge or earthen berm along the property boundary.
11. The Historic Preservation Element of the City's Comprehensive Plan states that incompatible development in downtown Springfield can destroy the continuity of historic districts and nullify the historic character of existing structures. Expansion of uses adjacent to designated historic structures and sites can also result in a negative impact to the resource. Historic districts and many other older neighborhoods are threatened by the expansion or potential expansion of major institutions. The Walnut Street Historic District sits at the northern edge of the Missouri State University (MSU) campus and immediately east of the University Plaza project. The City Council has adopted plans for both the Walnut Street and Mid-Town areas. These plans indicate that institutions should not expand into the historic areas. The plans are policy statements intended to help the city in guiding growth and development
12. The properties along National are included in the Walnut Street Urban Conservation District because they are architecturally significant and contribute to the Walnut Street Historic District. The City of Springfield was compelled to establish a local and National Register historic district for the properties in the area surrounding the University Plaza project. This was as a result of accepting federal funds to help build University Plaza. A large number of historic properties were demolished for the UP project and the federal government required the City to enter into a Mitigation Agreement that included establishment of the historic district.

That designation is completely separate from the actions taken when the City established the Jordan Valley Park Tax Increment Finance District. The TIF District was established in 2000 to provide financing for the City-owned Expo Center. State statutes establish the parameters for creating TIFs. One of those parameters is that a TIF District must either be a blighted area, a conservation area (could become blighted) or an economic development area (although this is in the State Statutes, there have been several challenges to this designation so it is not widely used). The City chose to designate the Jordan Valley Park TIF as a blighted area and one aspect of that designation was the preparation of a Blight Report. While this report has information about every property in the TIF, it is really designed to give an overall feel for the district and not to point fingers at a particular property.

13. The Zoning Ordinance requires perimeter landscaping where a parking lot or vehicular use area is within fifty (50) feet of a public right-of-way and there is not an intervening building. Perimeter landscaping is a minimum open space of ten (10) feet wide between the abutting right-of-way and the off-street parking or vehicular use area with the following plantings per hundred linear feet: one (1) canopy tree, one (1) understory, ornamental, or evergreen tree and four (4) shrubs.
14. Building Development Services has stated that any use that is made non-conforming by a change in the zoning district must obtain a "Certificate of Occupancy" in accordance with

section 5-1706 of the zoning ordinance. Some of the existing structures may be non-conforming to the new zoning district and may need to be evaluated for compliance with the Zoning Ordinance.

15. The City's Exterior Lighting Standards restrict the permitted lumination to no more than one-half (0.5) footcandles at any point along the perimeter of a property where it adjoins a residential zoning district or is separated from a residential district by a right-of-way of seventy (70) feet or less; and one (1) footcandle at any other point along the perimeter of the property. It also states that there shall be no lighting of a blinking, flashing, rotating or fluttering nature, including changes in light intensity, brightness, or color except for public safety purposes. A site lighting plan for uses requiring site plan review is required to be submitted and approved by the City that meet these requirements.
16. The applicant has requested that if the Center City zoning district is not approved that a lesser district like LB, Limited Business be considered. The established ordinances and regulations do not allow an application to make multiple proposals. Staff has processed this request as a straight rezoning to the CC, Center City District and has not made any comments in response to the secondary request made by the applicant.
17. The Historic Preservation Element of the City's Comprehensive Plan also states that the Walnut Street Urban Conservation District contains historic preservation provisions similar to the Landmarks zoning district because at the time the Walnut Street UCD was created, the city did not have a Landmarks zoning district.
18. The properties are all listed as contributing structures in the Walnut Street National Historic District. The National Register of Historic Places includes districts, sites, buildings, structures and objects that are significant in American history, architecture, archaeology, engineering, and culture. These resources contribute to an understanding of the historical and cultural foundations of the nation. The state's National Register program provides Missouri's citizens with national recognition of the value of Missouri's history and historic properties, eligibility for tax incentives and other preservation assistance, and assistance in cultural resource planning. Listing in the National Register does not mean that limitations will be placed on the properties by the state or federal government. Public visitation rights are not required of owners. Neither the state nor federal government will attach restrictive covenants to the properties or seek to acquire them. In Missouri, neither state nor federal law limits the rights of owners of private property listed in the National Register to maintain, manage or dispose of their property as they choose provided that no federal monies, licenses, or permits are involved.
19. In addition to honorific recognition, listing in the National Register results in the following benefits for historic properties:

Consideration in planning for federal, federally licensed and federally assisted projects; Section 106 of the National Historic Preservation Act of 1966 requires that federal agencies allow the Advisory Council on Historic Preservation an opportunity to comment on all projects affecting historic properties either listed in or determined eligible

for listing in the National Register. The Advisory Council oversees and ensures the consideration of historic properties in the federal planning process.

Eligibility for certain tax provisions; Owners of properties listed in the National Register may be eligible for a 20 percent investment tax credit for the certified rehabilitation of income-producing certified historic structures such as commercial, industrial or rental residential buildings. This credit can be combined with a straight-line depreciation period of 27.5 years for residential property and 31.5 years for nonresidential property for the depreciable basis of the rehabilitated building reduced by the amount of the tax credit claimed. Federal tax deductions are also available for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Effective Jan. 1, 1998, Missouri taxpayers completing substantial rehabilitations of properties listed in the National Register of Historic Places (either individually listed or as contributing elements of districts) can qualify for a 25 percent state income tax credit. The Missouri state credit applies both to income-producing properties and owner-occupied residential properties.

Consideration of historic values in the decision to issue a surface mining permit where coal is located in accordance with the Surface Mining Control Act of 1977; and

Qualification for federal grants for historic preservation, when funds are available.

RECOMMENDATION:

Staff recommends **tabling** of this request until a Traffic Impact Study/Analysis has been completed as recommended by Public Works.

FINDINGS FOR STAFF RECOMMENDATION:

1. The Public Works Traffic Division has determined that the change in zoning will result in a significant increase in trip generation; therefore a traffic impact study is required. The Traffic Impact Statement should provide analysis of each site access to National Avenue, and the intersections of St. Louis Street, Walnut Street, Elm Street, and Cherry Street.

FINDINGS FOR COMMISSION TO RECOMMEND DENIAL:

1. The CC, Center City District is intended for mixed uses that accommodates a variety of residential, commercial and light industrial uses. It is intended for older commercial and light industrial areas, particularly the Central Business District and Commercial Street area that tend to accommodate a wide variety of uses. The Center City District is inconsistent with the existing intensity of uses located along National Avenue and this location does not meet the intent of the district.

2. The City has made prior agreements and developed a preservation plan for the area that protects the historic structures and adjacent residents from redevelopment of high intensity as proposed.

FINDINGS FOR COMMISSION TO RECOMMEND APPROVAL:

1. None

STAFF CONTACT PERSON:

Daniel Neal
Senior Planner

ROBERT M. SWEERE, P.C.

Attorney at Law
302 S. National Avenue
Springfield, Missouri 65802
Telephone: 417-862-0063
Fax: 417-862-0222
www.sweerelaw.com

Peggy Wise, Paralegal
peggy@sweerelaw.com

December 16, 2009

Planning and Development Department
Busch Building
Springfield, MO

Re: Case No. Z-16-00
245-323 South National Re-zoning Application from Walnut St. UCD to Center City
Neighborhood Meeting Summary

Dear Sirs:

A Neighborhood Meeting was held on December 14, 2009 from 4:00 p.m. to 6:30 p.m. at the Wing Shack, 307 South National. This is a summary of that meeting. 148 invitation letters were sent using a mailing list generated by the Planning Department. Ten (10) neighbors attended including 5 of the property owner/applicants — Kirk Heyle, Ben Goforth, Ron Conway, Linda Hunt and Bob Sweere (see attached sign-in sheet).

Comments by neighbors.

a. Attendee Lisa Frederick came to voice a complaint about unruly tenants of one of the property owners. She declined to express an opinion about the re-zoning application.

b. Attendees Scott Sturm and Jean Glowacki inquired as to proposed future plans for the properties within the area sought to be re-zoned. They were advised that most of the owner/applicants had plans to re-furbish the exteriors of their properties albeit not in a manner consistent with historical district guidelines.

c. Attendee Cy Betzler inquired as to the likelihood of historical-type restrictions being imposed upon his property (the former animal hospital on nearby St. Louis Street) and was told that to the knowledge of all in attendance no plans were afoot to restrict his property.

d. Attendee Scott Taylor (owner of the Wing Shack) expressed the view that removal from the historic district would improve his business.

At the conclusion of each Attendee's visit, they were invited to sign either of two petitions — one opposing the proposed re-zoning and another supporting the proposed re-zoning. No-one desired to sign the petition opposing the re-zoning application. 4 of the 5

Page 2

Letter of December 16, 2009

Sweere to Planning Dept.

Re: Neighborhood Meeting Summary

neighbors in attendance signed the petition supporting the re-zoning application (original attached). There were no other written comments from attendees. The invitation letter for the neighborhood meeting generated two written comments supporting the re-zoning application (copies attached). Also, two letters have been received downtown community organizations stating no objection to the proposed re-zoning, to-wit: the Historic Walnut Street Association and the Urban Districts Alliance (copies attached). Found in the mailboxes of some attendees was an anonymous flier opposing the re-zoning (copy attached).

If I can be of further assistance, please advise. Hoping to obtain your support for our re-zoning application, I am

Respectfully,



Bob Sweere

Attorney for Applicant Property Owners

Attachments:

Sign-in sheet

Petition Supporting Re-zoning

Written comments received

Letter from Historic Walnut Street Association

Letter from Urban Districts Alliance

Anonymous Flier

Neighborhood Meeting

Sign-in

<u>Name</u>	<u>Address</u>	<u>phone/e-mail</u>
Bob Sweet	302 S. National	bobsweere@aol.com
Iron Conway	1001 E Walnut	860-3626
Scott Taylor	307 S NATIONAL	860-2043
CY BETZLER	1213 E. ST. LOUIS	(702) 499-3876
LINDA HUNT	245 S. National	417 866 1996
Kirk Heyle	309 S. National	869-5481
Scott Sturm	933 S McCANN	773-2631
JEAN GLOWACKI	327 S FLORENCE	862-5326
BEN GOFORTH	320 S NATIONAL	848-4474
LISA FREDERICK	1244 E. WALNUT	766-7977

The undersigned supports rezoning
245-323 S. National ~~as~~ from WSLCD-W
into "Center City" zoning.

<u>Name</u>	<u>Address</u>	<u>phone/email</u>
Scott Taylor	307 S NATIONAL	860-2093
Jean Glowacki	327 S. Florence	862-5326
Scott Smith	133 S McCann	773-2631
CY BETZLER	1213 E. ST. LOUIS	(702) 499-3876

From: UPRENTAL@aol.com

To: BobSweere@aol.com

Subject: Re: national avenue rezoning

Date: Thu, Dec 3, 2009 11:16 pm

RE:245-300 block of South National Rezoning

To whom it may concern,

We own the following property

830 S National, 836 S National, 824 S National, 816 S National, 806 S National, 800 S National, 650 S National
1330 E Cherry and 1340 E Cherry.

Knowing and understanding that National Street is a Corridor not a residential street with a unique set of problems that need to be addressed with the full cooperation of the City working with the landowners, we are 100% in favor of the property owners rezoning request.

Best Regards,

Ronald L Looney
Private Investments
University Properties
National South LLC

CC Andy Dalton-National South

In a message dated 12/2/2009 12:40:22 P.M. Central Standard Time, BobSweere writes:

Ron — thank you again for your expression of support for our 245-300 block of South National application for rezoning. As I mentioned if you could send me an e-mail expressing such support I will attach the e-mail to our report to Planning & Zoning regarding the results of the neighborhood meeting.
Thanks again.

Bob Sweere

From: Karla Wilkerson <oldno3@mchsi.com>

To: bobsweere@aol.com

Subject: Old No.3

Date: Wed, Dec 2, 2009 3:52 pm

Dear Bob,

I understand that Walnut is not involved in the rezoning. I think the rezoning change is fine for National. I support the change and wish you luck. I will not be able to attend the meeting.

Karla Wilkerson
424 South National



Historic Walnut Street Association

304 W. McDaniel Street

Springfield, MO 65806

September 11, 2009

To whom this may concern,

The members and neighbors of Historic Walnut Street Association were offered an opportunity to voice their opinion about the proposal to withdraw the properties with National Avenue addresses from the Walnut Street Local Historic District (West UCD.) There have no objections to this proposal as of September 10, 2009. Therefore, HWSA does not object to this change to the Walnut Street UCD.

Gary Blankenship - President
Historic Walnut Street Association
900 E Walnut Street, Springfield, MO 65806

(h)



URBAN DISTRICTS ALLIANCE

Urban Districts Alliance, Inc.
304 West McDaniel
Springfield MO 65806
Phone 417-831-6200
Fax: 417-831-6217

December 10, 2009

Officers

Ken McClure
President

Brad Toft
President-Elect

Joe Page
Treasurer

Jennifer Jackson
Secretary

Allen Casey
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Leah Hamilton Jenkins
Tracy Kimberlin
Ken McClure
Kyle McClure
Summer Massey
Juliet Mee
Ryan Mooney
Joe Page
Paul Parker
Pete Radecki
Norm Ridder
Katie Schear
Jim Schmidt
Brad Toft
Craig Wagoner
Chris Weiss

Staff

Rusty Worley
Barb Baker
Sarah Hough
Kathryn Vicat-Dlabach
Donnie Rodgers

Mr. Kirk Heyle
Heyle Realtors & Counseling Services LLC
309 S. National Ave.
Springfield, MO 65802-3420

Dear Kirk:

The Urban Districts Alliance does not oppose the request to remove the 300 block of South National from the Walnut Street historic district. This area has unique characteristics as it is on a street with much heavier traffic than the heart of the Walnut Street historic district.

We look forward to working you to improve all your areas within Center City.

Please let me know if you have any questions.

Best wishes,

Raymond "Rusty" Worley
Executive Director
Urban Districts Alliance

NOTICE OF PUBLIC HEARING

REGARDING THE FOLLOWING PROPOSED ZONING CHANGE:

Nine properties fronting National Avenue from 245 to 323 S. National (just north of Walnut Street) are requesting to be withdrawn from the Walnut Street Urban Conservation District West. (WSUCD-W)

These owners have filed an application with the City to re-zone their properties to "Center City" zoning.

- Appropriate uses under "Center City" zoning could include:
 - "Convenience stores with or without gas pumps"*
 - "Substance abuse treatment facilities"*
 - "Package liquor stores"*
 - "Hotels, motels, inns"*
 - "Pawn shops and second-hand stores"*
 - "Restaurants, including drive-in, pick-up, and drive-thru facilities"**
- The buildings would no longer fall under Landmarks Board jurisdiction which means unmanaged change with no public input.
- Also, the buildings could be demolished.

The public hearing will take place at the Landmarks Board Meeting

Wednesday, December 16, 2009

5:30 p.m.

City Council Chambers

3rd Floor, Old City Hall

Your input at this meeting will be part of public record and will be relayed directly to the Planning and Zoning Board. A show of attendance is powerful, however, if you are unable to attend, please call

864-1036 or e-mail Daniel Neal, Senior Planner at Dneal@springfieldmo.gov

to voice your opinion.

Exhibit 1

SECTION 1 - That the following described property, is designated as Urban Conservation District Number 1, to be known as the Walnut Street-West Urban Conservation District, which district shall be subject to the provisions set forth in Section 4-2300, Urban Conservation District, of the Land Development Code, and the regulations set forth herein; said district shall be shown on the District maps and is described as follows:

**Walnut Street-West Urban Conservation District
Legal Description**

Beginning at the Northwest Corner of Lot 6 E.T. Robberson's Addition, being the Southeast Corner of Walnut St. and John Q. Hammons Parkway, thence South along the East Rights-of-way of John Q. Hammons Parkway to the Northwest Corner of Lot 16 E.T. Robberson's Addition, being at a point on the South line of an existing 20 foot alley, thence East along the South line of said alley to a point on the West Rights-of-way line of National Ave. 238 feet M/L South of the Southwest Corner of Walnut St. and National Ave., thence Easterly 80 feet M/L crossing National Ave. to the Southwest Corner of Lot 4 O.H. Mitchell Addition, thence East to a point 20 feet East of the Southwest Corner of Lot 3 O.H. Mitchell Addition, being a point on the South line of Lot 3 O.H. Mitchell Addition, thence North to a point 20 feet East of the Northwest Corner of Lot 3 O.H. Mitchell Addition, thence Northeasterly across Walnut St. to the Southeast Corner of Lot 10 Hawthorne Addition, thence North to a point on the South line of Lot 9 Hawthorne Addition, thence East to the Southeast Corner of Lot 9 Hawthorne Addition, thence North along the East line of Lots 9 through 4, Hawthorne Addition to the Northeast Corner of Lot 4 of Hawthorne Addition, also being the South Rights-of-way line of McDaniel St., thence West 166 feet M/L to the Northwest Corner of Lot 4 Hawthorne Addition, thence Westerly 80 feet M/L to the Northeast Corner of Lot 41 East Side Addition also being the Southwest Corner of McDaniel St. and National Ave., thence North 160 feet M/L to the Northeast Corner of Lot 27 East Side Addition, thence West to the Northwest Corner of said Lot 27, thence continue West 15 feet across the alley to the Northeast Corner of Lot 21 East Side Addition, thence South along the East line of Lots 21 and 22 in East Side Addition to and across McDaniel St. and continue South along the East line of Lots 35 through 40 of East Side Addition to the Southeast Corner of Lot 40 East Side Addition, thence West along the South line of Lot 40 East Side Addition, to and across Florence Ave. continuing West along South line of Lot 34 East Side Addition to and across Hampton Ave. to a point on the West Rights-of-way of Hampton Ave. 182 feet M/L North of the North Rights-of-way of Walnut St., thence North 18 feet along the West Rights-of-way of Hampton Ave., thence West 150 feet, to the East line of property described in Book 2703 Page 1103, thence North along the East property line of Book 2703 Page 1103 to the South Rights-of-way line of McDaniel St. as it now exists, thence West along the South Rights-of-way line of McDaniel St. 61.4 feet, thence South 207.6 feet, thence West 63 feet, Thence South 52 feet, thence West 419 feet M/L to a point on the East line of One Parkway Place 210 feet North of the North Rights-of-way line of Walnut St., thence South along the East line of One Parkway Place 210 feet to the North Rights-of-way of Walnut St. thence continuing South Across Walnut St. to a point on the South Rights-of-way of Walnut St. and the North line of Lot 10 of E.T. Robberson Addition, thence West along the North line of Lots 6 through 10 of E.T. Robberson Addition to the Point of Beginning. All in the City of Springfield, County of Greene, State of Missouri.

(Location: East Walnut Street - Hammons Parkway to a point east of National and north on National to a point north of McDaniel.)

SECTION 2 - DISTRICT REGULATIONS

Notwithstanding any other provision of the Springfield City Code to the contrary, the following regulations shall govern and control the enforcement, administration, interpretation, and use and development of land throughout Urban Conservation District No. 1, known as the Walnut Street-West Urban Conservation District. Unless otherwise stated herein, the minimum requirements of the applicable underlying zoning district, the Zoning Ordinance and any other provision of the Springfield City Code shall be applicable to all properties within the Walnut Street-West Urban Conservation District.

A. PERMITTED USES.

The following uses shall be permitted in the Walnut Street-West Urban Conservation District except for those properties identified in Subsection 2.C.

1. Single-family-detached dwellings.
2. Single-family-semi-detached dwellings, in accordance with Section 3-3100 of the Zoning Ordinance, Cluster Subdivisions.
3. Townhouses containing no more than four (4) dwelling units.
4. Duplexes.
5. Multi-family dwellings.
6. Boarding and lodging houses.
7. Nursing homes.
8. Day care homes and group day care homes in accordance with Springfield City Code.
9. Group homes, custodial.
10. Public parking areas in accordance with Subsection 2.I., except parking designed for or used for parking of trucks having a capacity of 3/4 ton or larger or the chassis thereof, or a single unit with more than one rear drive axle shall not be permitted.
11. Community centers, nonprofit.
12. Little Theater group, or dramatic clubs.
13. Art galleries, libraries or museums.
14. Offices, administrative, business, financial and professional.
15. Schools and studios for art, dancing, drama, music, photography, interior decorating or similar courses of study.
16. Day care centers in accordance with Springfield City Code.
17. Zero-lot-line construction, in accordance with Section 3-3200 of the Zoning Ordinance.
18. The following commercial uses shall be permitted in Contributing Buildings as established in Subsection 2.D., provided the existing structure is preserved and was built before January 1, 1940; the goals of historic preservation are met; and any exterior modification to the property is consistent with the Secretary of Interior's Standards for Rehabilitation and the *Walnut Street Design Guidelines*. Commercial uses are limited to the following types:

- a. Antique shops.
 - b. Book or stationary stores.
 - c. Clothing boutique or ready-to-wear shop.
 - d. Dry goods or notion stores.
 - e. Florist or gift shop.
 - f. Tailors.
 - g. Bed and breakfast inns.
19. Outdoor display and sales. Outdoor display and sales are permitted as an accessory use subject to the following conditions:
- a. A permitted commercial use, as established in Subsection 2.A.18 of this Ordinance, shall be operating within the building or structure; and,
 - b. Outdoor display and sales shall be limited to the side and rear yard of a lot; and on a corner lot, outdoor display and sales shall be limited to the rear yard and any side yard that does not abut a street; and,
 - c. Outdoor display and sales shall not encroach within a side or rear yard setback, shall be located a minimum of ten feet behind the front building line and shall not encroach within any required vehicular use area; and,
 - d. Outdoor sales shall be limited to hours between sunrise and sunset; and,
 - e. Outdoor display and sales shall be limited to those items that would typically be displayed outdoors, including but not limited to: birdbaths, statuettes, outdoor furniture, plants, etc.; and,
 - f. Items for outdoor display and sales shall be stored in an organized manner and must be integrated as part of a plan that shall require the issuance of a Certificate of Appropriateness from the Landmarks Board; and,
 - g. When considering the issuance of a Certificate of Appropriateness for outdoor display and sales areas, the Landmarks Board shall consider whether the proposal will detract from any element that promotes the historic context of the *Walnut Street National Historic District*; and will unduly impact any adjacent residential use by increasing noise, lighting or traffic directly associated with the commercial activity.
20. The following commercial uses shall be permitted for the properties commonly addressed as 1041 East Walnut Street, 1050 East Walnut Street, 1108 East Walnut Street, 1111 East Walnut Street, 1112 East Walnut Street, 1129 East Walnut Street, all being in Springfield, Greene County, Missouri, and more particularly described as:

Beginning on the north side of East Walnut Street, 974.3 feet west of the range line dividing Ranges 21 and 22, being the southeast corner of Moses

Levy's lot; thence east 123.3 feet to the southeast corner of the W. H. Garrett lot for a beginning point; thence east 76 feet, thence north 200 feet; thence west 76 feet, thence south 200 feet to the point of beginning being a part of the southeast quarter (SE 1/4) of the northeast quarter (NE 1/4) Section 24, Township 29, Range 22.

All of Lot 10 and Lot 11 except the east 20 feet, Ad. E. Smith's Addition.

Lot 8, Ad. E. Smith's Addition.

Lot 49 East Side Addition.

Lot 7 and west twenty-four (24) feet and two (2) inches of Lot 6, Ad. E. Smith's Addition.

All of Lot 51 and Lot 52 except the east 17.5 feet, East Side Addition.

- a. Temporary Outdoor Green Grocer's Market limited to daylight hours, four (4) days per week. Notwithstanding other provisions of Chapter 36 of the City Code prohibiting outdoor storage and display of goods for sale, such storage and sales shall be permitted, limited to flowers, potted plants, perishable vegetables and vegetative produce, craft items and baked goods, from portable stands, stalls, or hand carts located in the front yards. Sales from trucks or other vehicles are prohibited. No overnight storage of goods, stands, stalls, or hand carts is allowed from the front yard of any premises, and all goods, stands, stalls, and hand carts must be removed from the front yard by sundown of each day of operation.

21. Personal Service Establishments including beauty parlors, barber shops, dry cleaning and pick-up, shoe repair, self-service laundromats, express or mailing offices, hearing aid and eye glass shops, massage therapy and spas.

B. CONDITIONAL USES.

The following conditional uses may be permitted provided they meet the provisions of, and a Conditional Use permit is issued pursuant to Section 3-3300 of the Zoning Ordinance; and, these uses shall only be permitted in a Contributing Building as established in Subsection 2.D. except for such accessory outdoor uses with conditions set forth below, provided the existing structure is preserved and was built before January 1, 1940; the goals of historic preservation are met; any exterior modification to the property is consistent with the Secretary of Interior's Standards for Rehabilitation and the *Walnut Street Design Guidelines*; a Certificate of Appropriateness has been issued by the Landmarks Board indicating approval of the work; the use does not create any amplified sound outside the Contributing Building; and the use is in compliance with the noise standards of the Section 6-1500 of Article I of the Land Development Code and Chapter 78, Article IV, Division 2, Section 78-112, Springfield City Code.

1. Restaurants (sit down or dine in), excluding drive-in and carry-out facilities, which restaurants may include outdoor dining as an accessory use to the main structure with the following limitations:
 - A. Outdoor dining shall be limited to the hours of 11:00 a.m. and 11:00 p.m.; and
 - B. All preparation of food for outdoor dining use shall be prepared in the Contributing Building approved for restaurant use; and
 - C. Accessory structures existing at the time of the passage of this ordinance shall be used only for storage and parking accessory to the use of the Contributing Building, and dining and beverage service, including the sale of alcohol, but in no event shall the accessory structure be used for food preparation; and
 - D. All outdoor activity shall cease at 11:00 p.m. other than routine ingress and egress from the Contributing Building.

C. USE GUIDELINES FOR 1200 AND 1201 EAST WALNUT.

The following use regulations shall apply for the properties commonly addressed as 1200 East Walnut and 1201 East Walnut, more particularly described as:

All of Lot 4 and the West 20 feet of Lot 3 in O. H. Mitchell's Addition plus all of Lot 10 in Hawthorn Addition, all in the City of Springfield, Greene County, Missouri.

1. The following uses shall be permitted.
 1. Single-family-detached dwellings.
 2. Single-family-semi-detached dwellings, in accordance with Section 3-3100 of the Zoning Ordinance, Cluster Subdivisions.
 3. Townhouses containing no more than four (4) dwelling units.
 4. Duplexes.
 5. Multi-family dwellings.
 6. Boarding and lodging houses.
 7. Nursing homes.
 8. Day care homes and group day care homes in accordance with Springfield City Code.
 9. Group homes: custodial.
2. The following conditional uses may be permitted provided they meet the provisions of, and a Conditional Use permit is issued pursuant to Section 3-3300 of the Zoning Ordinance. These uses shall only be permitted in a Contributing Building as established in Subsection 2.D., provided the existing structure is preserved and was built before January 1, 1940; the goals of historic preservation are met; and any exterior modification to the property is consistent with the Secretary of Interior's Standards for Rehabilitation and the

Walnut Street Design Guidelines; and a Certificate of Appropriateness has been issued by the Landmarks Board indicating approval of the proposed work.

- a. Public parking areas, in accordance with Subsection 2.I.
- b. Antique shops.
- c. Bed and breakfast inns.
- d. Book or stationary stores.
- e. Clothing boutique or ready to wear shop.
- f. Community centers, nonprofit.
- g. Dry goods or notion stores.
- h. Florist or gift shop.
- i. Little Theater group, or dramatic clubs.
- j. Art galleries museums or libraries.
- k. Offices, administrative, business, financial and professional.
- l. Schools and studios for art, dancing, drama, music, photography, interior decorating or similar courses of study.
- m. Tailors.
- n. Day care centers in accordance with Springfield City Code.
- o. Zero-lot-line construction, in accordance with Section 3-3200 of the Zoning Ordinance.

D. CONTRIBUTING BUILDINGS.

For purposes of this ordinance, Contributing Buildings shall be determined in accordance with the *Walnut Street Historic District National Register of Historic Places Nomination* as officially listed in the National Register of Historic Places on March 21, 1985, and incorporating any amendments of said nomination.

E. SITE PLANS.

Any development or use requiring a site plan pursuant to Section 3-3000 of the Zoning Ordinance, and located within the Walnut Street-West UCD, must first acquire a Certificate of Appropriateness, when required, from the Landmarks Board in accordance with Subsection 2.F. Site plans may also be subject to conditions by City Council in order to promote the intent of the *Walnut Street Preservation Plan*.

F. CERTIFICATE OF APPROPRIATENESS.

The standards contained in Section 4-2403 of the Zoning Ordinance, and typically applicable to a Historic Landmark and Historic Districts, shall be applicable to any site or parcel in the Walnut Street-West Urban Conservation District, unless otherwise modified herein.

1. When Required. A Certificate of Appropriateness shall be required in accordance with the standards contained in Section 4-2403-A of the Zoning Ordinance with the following modification:
 - a. Section 4-2403-A-2 shall be applicable to structures as specified in

the *Walnut Street Design Guidelines* or *Historic Survey* conducted in the Walnut Street-West Urban Conservation District.

2. Review Criteria. The Board, in considering whether or not to issue a Certificate of Appropriateness, shall be guided by the standards contained in Section 4-2403-D of the Zoning Ordinance with the following modifications:
 - a. The *Walnut Street Design Guidelines* which are on file with the Director of Planning and Development shall be used to fulfill the standard referenced in Section 4-2403-D-2 of the Zoning Ordinance.
 - b. For demolition, the Board shall also consider the standards contained in Section 4-2403-D-4 with the following additions and modifications:
 1. The visual and spatial relationship of the structure to its surroundings and to the rest of the Walnut Street Urban Conservation District - West.
 2. The Board shall consult the *Walnut Street Historic Survey*, the *Walnut Street Historic District National Register Nomination* and/or the *Walnut Street Preservation Plan* in addition to those items contained in Section 4-2403-D-4-b of the Zoning Ordinance.
 3. The alternatives available to the demolition applicant including:

Donation of the subject structure or site to a public or benevolent agency.

Donation of a part of the value of the subject structure or site to a public or benevolent agency, including the conveyance of development rights and facade easements.

The possibility of sale of the structure or site, or any part thereof, to a prospective purchaser capable of preserving such structure or site.

The potential of such structure or site for renovation and its potential for continuing use.
 4. The Board shall balance the interest of the public in preserving the structure, site, or portion thereof and the interest of the owner in its utilization.
3. Demolition of Contributing Buildings. The standards contained in Section 4-2403-H of the Zoning Ordinance shall not be applicable to the Walnut Street-West Urban Conservation District. Notwithstanding any other provisions of this ordinance to the contrary, demolition of a Contributing Building as

defined in Subsection 2.D. of this ordinance shall occur only in accordance with the provisions of this section. Demolition of a Contributing Building in the Walnut Street Urban Conservation District - West constitutes an irreplaceable loss to the quality and character of the district and the City of Springfield. No permit shall be issued for demolition of a Contributing Building unless a Certificate of Economic Hardship has been issued by the Board verifying that the structure has degenerated beyond feasible limits for rehabilitation, or that rehabilitation is impracticable and there is an economic hardship.

G. CERTIFICATE OF ECONOMIC HARDSHIP.

The standards contained in Section 4-2404 of the Zoning Ordinance, and typically applicable to a Historic Landmark and Historic Districts, shall be applicable to any site or parcel in the Walnut Street-West Urban Conservation District.

H. ADDITIONAL STANDARDS REGARDING CERTIFICATES OF APPROPRIATENESS AND ECONOMIC HARDSHIP.

All sites and parcels within the Walnut Street-West Urban Conservation District, and subject to the issuance of Certificates of Appropriateness and Economic Hardship shall also be subject to the standards contained in Sections 4-2405, 4-2406, 4-2407 and 4-2408 of the Zoning Ordinance.

I. OFF-STREET PARKING REQUIREMENTS.

All uses shall provide adequate off-street parking in accordance with Section 5-1500 of the Zoning Ordinance unless otherwise modified herein:

1. **Parking Spaces Required.**
 - a. Non-residential uses shall normally have at least four (4) parking spaces for each one thousand (1,000) square feet of gross leasable area, excluding outdoor display and sales areas. However, parking requirements (number of spaces per 1,000 square feet) may be reduced for uses that demonstrate a sensitivity to historic preservation. The applicant may submit a parking plan to the Administrative Review Committee for modification to the requirements. The Administrative Review Committee shall consult with the Landmarks Board for overall sensitivity to historic preservation.
 - b. Residential uses shall have at least one and one-half (1.5) parking spaces for each dwelling unit.
2. **Parking Lot Surface.** Parking lots and driveways shall be surfaced with either asphalt, concrete or pavers so as to provide a permanent surface capable of withstanding the type of vehicular traffic to which such area is likely to be

subjected.

J. PARKING LOT LANDSCAPING.

Parking lots shall be landscaped according to Section 6-1200 of the Zoning Ordinance with the exception that interior landscaping requirements shall apply to parking lots of twenty (20) or more spaces.

K. REFUSE STORAGE.

In addition to the standards of Subsection 6-1002.B of the Zoning Ordinance, refuse storage shall adhere to the following:

Waste cans, dumpster units, or other forms of litter control and refuse disposal devices, approved for use in the City of Springfield, shall be placed on the site in a location where they are least visible from a public right-of-way other than alleys. Each litter control or refuse device shall be enclosed so that no part of the device shall be visible from public right-of-way (except alleys) or from adjoining properties.

L. SIGNS.

All signage shall meet the standards of Section 5-1400 of the Zoning Ordinance unless otherwise modified herein:

1. Number. Each premise shall be permitted one (1) detached sign and shall also be permitted either one (1) projecting sign or one (1) wall sign.
2. Size. A maximum of sixteen (16) square feet of background area shall be permitted for each attached or detached sign. Detached signs may be two sided, each side not to exceed sixteen (16) square feet. A single-sided detached sign shall not exceed sixteen (16) square feet.
3. Height. No part of a detached sign shall exceed a height of five (5) feet above the ground area upon which it is located.
4. Sign Lighting. No sign shall use a blinking, flashing, animated, or other illuminating device which changes in light intensity. No beacons or strobe lights shall be permitted.
5. Sign Types. Signs shall only refer to a business, person, activity, goods, products, or service located on the premises where the sign is installed and maintained. Temporary signs shall not be permitted.
6. Exempt Signs. Those signs set forth below shall also be permitted.
 - a. Address Numbers and Name Plates. Address numbers for each residential building not exceeding one (1) square foot in effective area and one name plate not exceeding two (2) square feet in effective

area per dwelling unit or business.

- b. **Banner Signs.** One sign composed of highly flexible lightweight material, such as a banner, per business premise, which is not over four (4) square feet in effective area, posted for not more than thirty (30) days per year.
- c. **Directional Signs.** Detached on-premise directional signs which do not exceed five (5) square feet in effective area. Any logo, business name, product, or service identification, or other advertising shall not exceed twenty percent (20%) of the effective area. No part of the sign shall exceed four (4) feet in height above street grade or four (4) feet in height above the lowest level of the ground under the sign if elevation of premise at sign location is more than twelve (12) inches above street grade, excluding berms or other landscaping features. A Certificate of Appropriateness must be issued prior to installation of directional signs.
- d. **Flag.** A flag or similar device identifying any person.
- e. **Government Signs.** Any sign erected or maintained by or for any agency or government pursuant to and in discharge of any governmental function or required or authorized by law, ordinance, or governmental regulations.
- f. **Internal Signs.** Any one-premise sign, the copy of which cannot be viewed from a street right-of-way or adjoining property.
- g. **Neighborhood Identifications Signs.** A sign, masonry wall, landscaping or other similar material or features which are combined to form a display for neighborhood or tract identification, provided that the legend of such display shall consist of only the neighborhood, tract name, or historic district. A Certificate of Appropriateness must be issued prior to installation of neighborhood identification signs.
- h. **Real Estate Sale, Lease, And Construction Signs.** Non-illuminated temporary on-premise signs pertaining to the construction, sale, or lease of that premise, not to exceed six (6) square feet in effective area. Such signs shall be removed within fourteen (14) days after the closing of the sale or lease or within thirty (30) days after the issuance of an occupancy permit or erection of a permanent sign, whichever occurs first.
- i. **Miscellaneous Exempt Signs.**
 - 1. A temporary sign not exceeding four (4) square feet in background area advertising drives or events of a civic, philanthropic, educational, religious, political, or similar nature, provided that said sign is posted only during said drive or event

for no more than thirty (30) days per year and is removed within twenty-four (24) hours after an event.

2. Attached incidental sign, which pertains to goods, products, services, or facilities that are available on the premises where the sign is located, but only tangentially related to the main activities or purposes of the business, not exceeding a total of four (4) square feet in effective area per business.

M. Minimum Maintenance Requirement.

1. Every owner, and every person in actual possession of property in the district, shall keep all interior and exterior portions of buildings and other structures in good repair.
 - a. Public areas. All sidewalks leading to a building, steps, driveways, parking spaces, and similar paved areas for public use shall be kept in a proper state of repair. If any sidewalk or driveway or portion thereof by virtue of its state of repair shall constitute a danger to public health and safety, the sidewalk or driveway or portion thereof shall be replaced.
 - b. Structural members. All supporting structural members of all structures shall be kept structurally sound, free of deterioration, and maintained capable of safely bearing the dead and live loads imposed upon them.
 - c. Exterior surfaces (foundations, walls, and roof). Every foundation, exterior wall, roof, and all other exterior surface shall be maintained in a workmanlike state of maintenance and repair.
 - d. Foundation walls. All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads and shall be maintained plumb and free from open cracks and breaks, so as not to be detrimental to public safety and welfare.
 - e. Exterior walls. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior surface materials shall be maintained weatherproof and shall be properly surface coated when required to prevent deterioration.
 - f. Roofs and drainage. The roof shall be structurally sound, tight, and not have defects which might admit rain. Roof drainage shall be adequate to prevent rain water from causing dampness or deterioration in the walls or interior portion of the building. Roof water shall not be discharged in a manner that creates a nuisance to owners or occupants of adjacent premises or that creates a public nuisance.

- g. Decorative features. All cornices, entablatures, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- h. Signs and awnings. All canopies, signs, awnings, stairways, fire escapes, exhaust ducts, and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. They shall be protected from the elements and against decay and rust by the periodic application of a weather-coating material such as paint or other protective treatment.
- i. Chimneys. All chimneys and similar appurtenances shall be maintained structurally safe, sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials such as paint or similar surface treatment.
- j. Stairs and porches. Every stair, porch, fire escape, balcony, and all appurtenances attached thereto shall be so constructed as to be safe to use and capable of supporting the anticipated loads and shall be maintained in sound condition and good repair.
- k. Window and door frames. Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling or structure.
- l. Weathertight. Every window and exterior door shall be fitted reasonably in its frame and be weathertight. Weather stripping shall be used to exclude wind or rain from entering the dwelling or structure and shall be kept in sound condition and good repair.
- m. Glazing. Every required window sash shall be fully supplied with approved glazing materials which are without open cracks and holes.
- n. Door hardware. Every exterior door and its hardware shall be maintained in good condition. Door locks on all doors entering dwelling units shall be in good repair and capable of tightly securing the door.
- o. Basement hatchways. Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rats, rain, and surface drainage water into the structure.
- p. Grading and drainage. All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Stagnant water shall be determined as

any accumulation that has not dispersed within seven days of the last recorded local rainfall.

q. Accessory structure. All accessory structures, including detached garages, fences, and walls, shall be maintained structurally sound and in compliance with Subsections 2.M.1.a. through 2.M.1.p.

2. The Landmarks Board may refer violations of this section to the Director of Building Development Services for purposes of conducting such inspections and enforcement proceedings as the Director of Building Development Services may deem appropriate so that the building or structure may be preserved in accordance with the purposes of this ordinance.
3. The provisions of this section shall be in addition to all other applicable provisions of the Springfield City Code relating to the construction and maintenance of buildings and structures.

SECTION 3 - DEFINITIONS.

The Walnut Street-West Urban Conservation District shall be subject to all applicable definitions found in Division II of the Zoning Ordinance. Any definition found in Division II of the Zoning Ordinance and referencing historic structures, Historic Sites, Historic Landmarks or Historic Districts shall also be deemed applicable to any building or property within the Walnut Street-West Urban Conservation District.

Neal, Daniel

From: u600213@gmail.com on behalf of Steve Finn [steve@sfinn.com]
Sent: Wednesday, December 09, 2009 4:21 PM
To: Neal, Daniel
Subject: rezoning of 245 to 3323 S. National

Hi,

I got your name from a flyer about the proposed zoning change to the nine properties from 245 to 323 S. National to remove them from the Walnut Street Urban Conservation District West and to rezone the properties to "Center City" zoning.

I am a resident of 1700 E. Walnut St. and I oppose this proposed rezoning because the Center City Zoning allows uses that I do not find to be compatible with the adjacent residential neighborhoods. Specifically I object to a zoning change that would allow uses such as substance abuse treatment centers, Pawn Shops, Package Liquor Stores Restaurants, including drive in, pick up and drive through facilities. Some of the other permitted uses in Center City zoning don't sound so bad in general but for this location I would not want a Hotel or Motel because of the traffic and likely height of it compared to the adjacent residences and I would not like convenience stores with or without gas pumps because of the existing traffic on National and if the entrance was not on National it would bring more commercial traffic to residential side streets.

In addition to my concerns mentioned above, if not in an Urban Conservation District, the buildings would not come under jurisdiction of the Landmarks board and could be more easily demolished and this would change the character of the street.

I will try to come to the public hearing but in case I can't, I wanted to have my comments on record with the City.

Thanks

--

Steve Finn

1700 E. Walnut St.
Springfield MO 65802
Telephone (417) 353-0553
Fax (417) 863-8484

(b)

Neal, Daniel

From: Jon Van Arkel [xcountry@drury.edu]
Sent: Tuesday, December 15, 2009 7:31 PM
To: Neal, Daniel
Subject: Rezoning-S.National

My wife and I live at 311 S. Cordova Court in Springfield. As residents and homeowners in the East Walnut Street area, we do object to any zoning change in the 200 & 300 blocks of S. National. We feel the zoning restrictions and guidelines that govern the historical district are important and create a unique neighborhood in that area. The buildings on S. National do provide a buffer to the adjacent residential neighborhood and any change of zoning to "Center City", even on a street such as S. National, would compromise what is intended to be preserved in the neighborhood.

On the other hand, I also sympathize with the property owners on S. National and their need to make necessary functional and cost effective improvements to those buildings. We would encourage the City and Landmarks Board to consider that those properties might retain their vintage nature and contribute to the ambience of the neighborhood without the owners having to rigidly follow the guidelines regarding historical preservation.

Jon & Jo Van Arkel
311 S. Cordova Court
(417)844-7220

Neal, Daniel

From: Dave Croessmann [jdc@croessmannlaw.com]
Sent: Wednesday, December 16, 2009 2:00 PM
To: Neal, Daniel
Subject: Proposed zoning change re 245 to 323 S. National

Daniel Neal and to whom it may concern:

I live at 1235 E. Walnut and may not be able to attend tonight's public hearing. I do not have as much information as I would like about this proposed change but based on what I do know I would be generally opposed to the change. More particularly, my opposition has much to do with the re-zoning to "Center City" and the permitted uses under that classification, which I think could be detrimental to home owners on Walnut street in the future. Who is to say, for example, that if such a change were granted that there would not be an immediate influx of uses that could be undesirable for the whole area. I really don't think we need more pawn shops, gas stations, etc. in this area of National.

I don't know if there are other possibilities, but I would think it far better for the property owners requesting the change and the Landmark Board to see if something far short of a zoning change could be worked out regarding the improvements they want to make to their properties. I assume that the present zoning was put in place for a good purpose, but perhaps some of the restrictions complained about could be alleviated while property owners in the general area still enjoy the protection and benefits of the present zoning.

If you would acknowledge receipt of this email I would appreciate it. Thank you.

Sincerely,

David Croessmann

J. David Croessmann
 Wieland & Condry, LLC
 1548 East Primrose
 Springfield, Missouri 65804
 (417) 447-2222
 (417) 447-0903 fax
jdc@croessmannlaw.com

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(d)

# Heyle Realtors & Counseling Services

Real Estate Brokerage and Counseling Services

309 South National Avenue  
Springfield, Missouri 65802-3420

Kirk A. Heyle, CCIM, CRE  
Certified Commercial-Investment Member  
Counselor of Real Estate

Phone: (417) 869-5481  
FAX: (417) 869-5488

## TRANSMITTAL

TO: Daniel Neal Sr. Planner  
P&L Board and Landmarks Board  
864-1882

FROM: KIRK A. HEYLE, CCIM, CRE  
Certified Commercial Investment Member  
Counselor of Real Estate  
309 S. National Ave.  
Springfield, MO 65802-3420  
(417) 869-5481 (office)  
Web Page: [www.heylerealtors.com](http://www.heylerealtors.com)  
Email: [kirkheyle@heylerealtors.com](mailto:kirkheyle@heylerealtors.com)  
Date: 12/16/09  
Time: 8:30 AM

Copy to:  
Bob Sweet  
862-0222

TOTAL NUMBER OF PAGES SENT: 4 (including transmittal)  
HEYLE REALTORS FAX NUMBER IS (417) 869-5488

## MEMO

Dear Daniel:

Would you please see that  
the Traffic Count / Daily Traffic Volumes  
Map and the Zoning maps for pages  
O-19 and O-20, Sect 24 T-29, R-22  
and Sect. 19 T-29 R-21 are  
available overheads for the "Landmarks  
Board" tonight's meeting, 5:30 pm City  
Hall Bldg.

Thanks,



Certified Commercial-Investment Member

Kirk

AMERICAN SOCIETY OF  
REAL ESTATE  
COUNSELORS



(e)

# Heyle Realtors & Counseling Services

Real Estate Brokerage and Counseling Services

309 South National Avenue  
Springfield, Missouri 65802-3420

Kirk A. Heyle, CCIM, CRE  
Certified Commercial-Investment Member  
Counselor of Real Estate

Phone: (417) 869-5481  
Fax: (417) 869-5488

## TRANSMITTAL

TO: Daniel Neal, Sr. Planner  
Planning & Zoning/Landmarks Board  
8/6/04

FROM: KIRK A. HEYLE, CCIM, CRE  
Certified Commercial Investment Member  
Counselor of Real Estate  
309 S. National Ave.  
Springfield, MO 65802-3420  
(417) 869-5481 (office)  
Web Page: [www.heylerealtors.com](http://www.heylerealtors.com)  
Email: [kirkheyle@heylerealtors.com](mailto:kirkheyle@heylerealtors.com)  
Date: 8/14/04  
Time: 4:30 pm

TOTAL NUMBER OF PAGES SENT: 3 (including transmittal)  
HEYLE REALTORS FAX NUMBER IS (417) 869-5488

## MEMO

Dear Daniel:

Please find enclosed these 2 letters  
from the main participants in the  
Walnut Street Area including the Walnut Street  
Area (Gary Blankinship) and WDA  
(Rusty Whitley).

Please make these available for the Landmarks'  
Board and Planning and Zoning Boards.

With Regards,

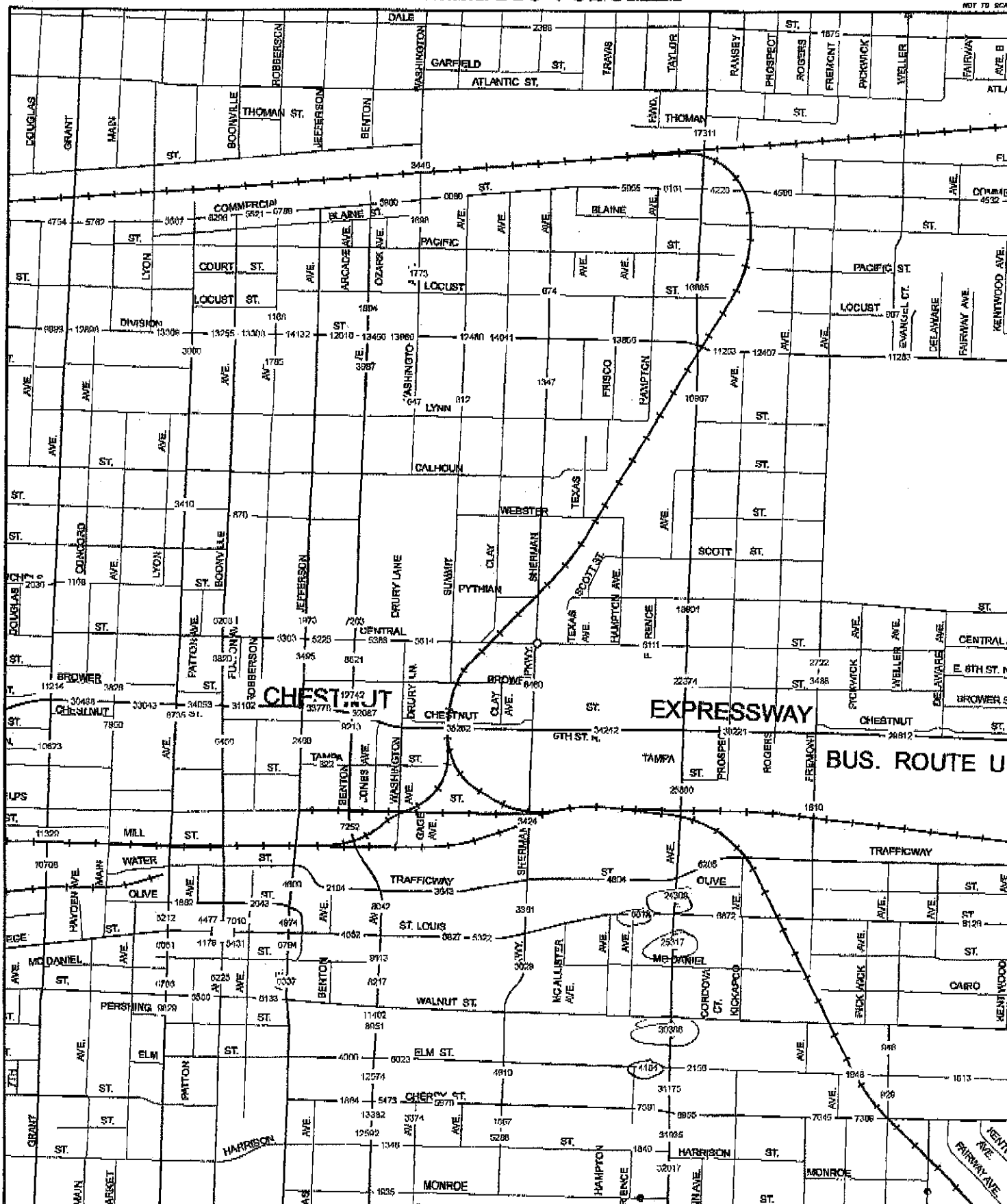


Certified Commercial-Investment Member

AMERICAN SOCIETY OF  
REAL ESTATE  
COUNSELORS





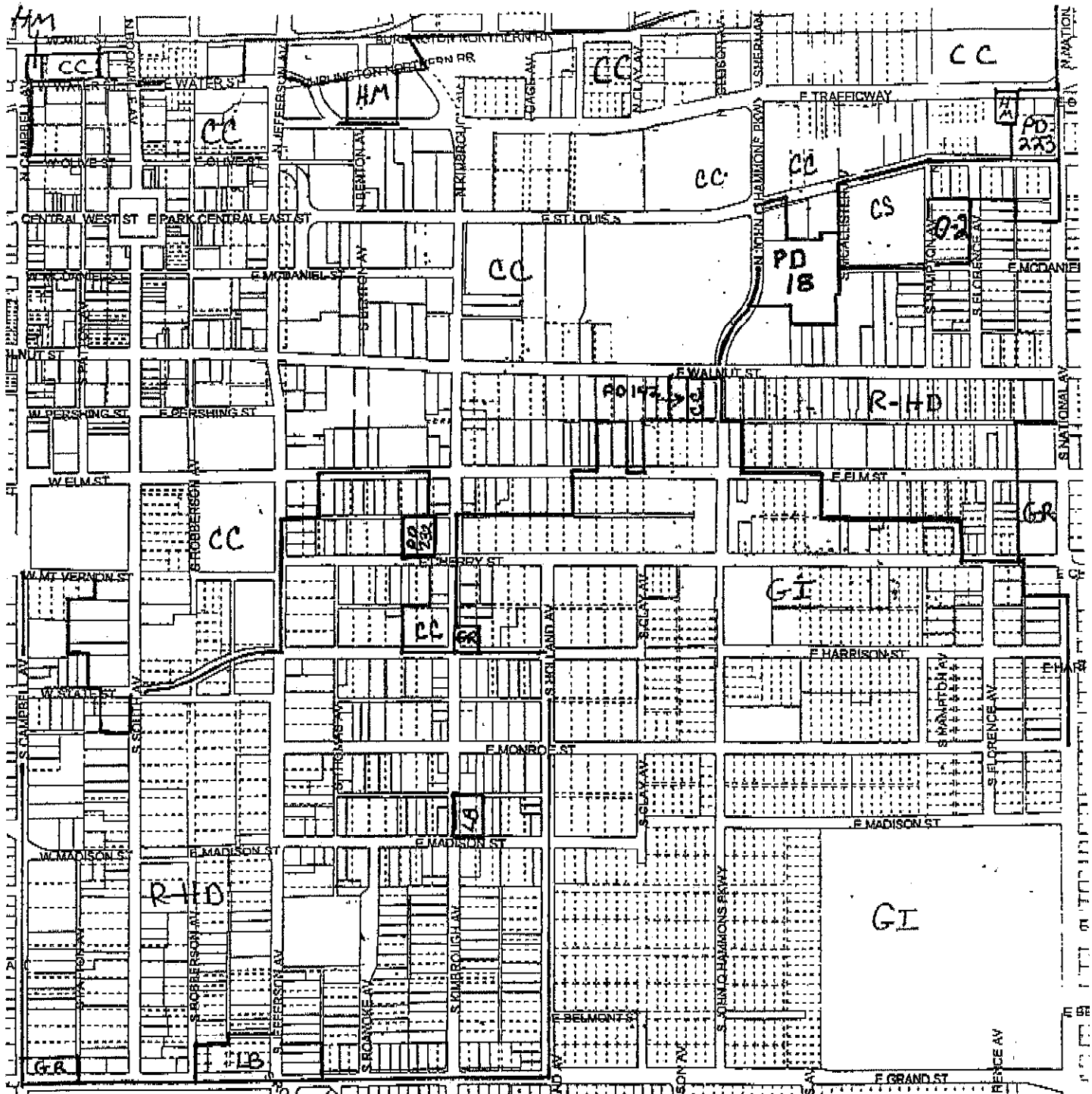


**DISCLAIMER:** All information included on this map or digital file is provided "as-is" for general informational purposes only. The City of Springfield, and all other contributing data suppliers, make no warranties, expressed or implied, regarding the accuracy, completeness,

### Legend

Departo  
n 2006 Red  
E 2007 Blue  
O 2008 Green

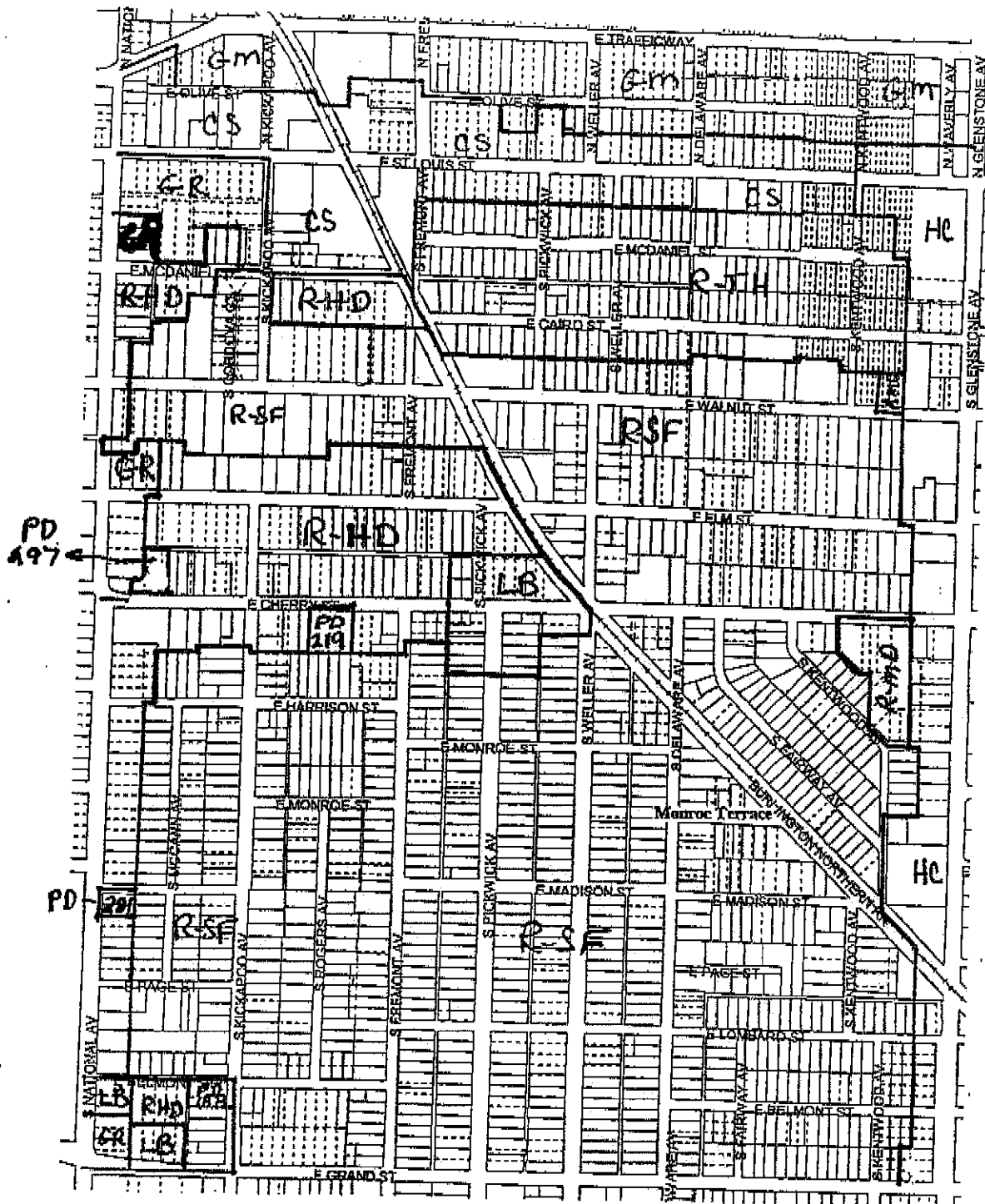
**SOURCE:** City of Springfield Public Works Department



See Next Page For  
Urban Conservation District  
& University Combining District

(h)

Section 19  
Township 29 Range 21



See Next Page for Urban Conservation  
District.

From the Desk of Bob Sweere

862-3704 office

848-1820 cell

862-1936 fax

To: Planning  
Attn: Daniel Neal

Thank you for your voice mail message regarding the east side of 302 S. National. This is in response to your inquiry regarding proposed improvements to east side after removal of fire escape. Photograph A depicts east side w/ fire escape at present. There are 3 non-original exterior doors on main, 2d and 3d floors which provide access from interior to the fire escape. After renovations I propose to rent out 2d and 3d floors as one apartment with access through in interior staircase and without the exterior fire escape. Architect has confirmed this is allowable under building code. Main floor will be used as law office with primary client entrance to be east side main floor door.

Alternative #1: Photograph B depicts east side of structure before fire escape and at time the property became part of historical district. Least preferable alternative is: restore exterior at 2<sup>nd</sup> and 3<sup>rd</sup> floors generally as in photograph B (perhaps with somewhat larger 3<sup>rd</sup> floor window); and restore concrete steps and stoop similar to those depicted in Photograph B.

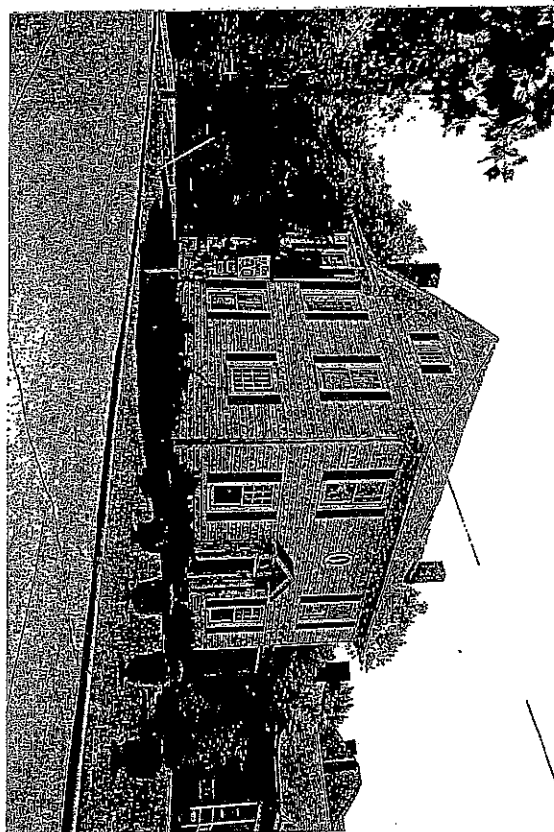
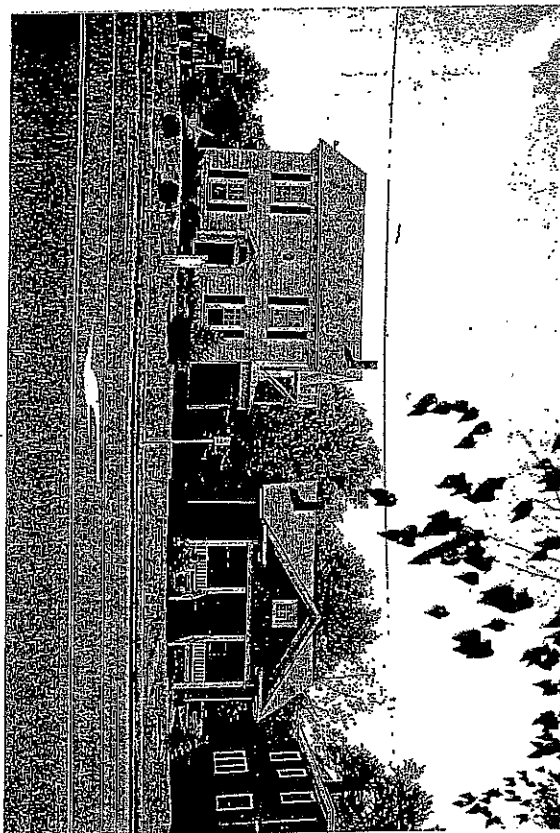
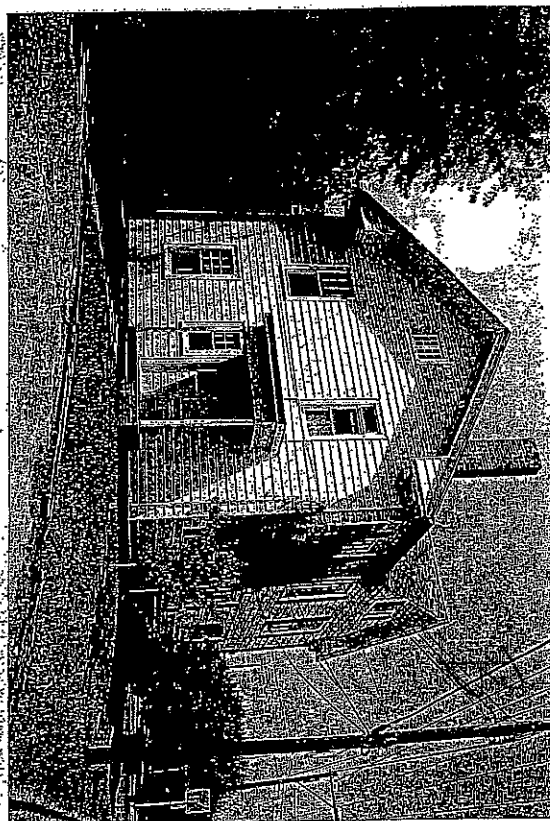
Better Alternative #2: Photograph C depicts an awning with a modern exterior door system. Better preferred alternative is to restore exterior at 2<sup>nd</sup> and 3<sup>rd</sup> floors generally as in photograph B (perhaps with somewhat larger 3<sup>rd</sup> floor window); and install awning, and modern door system (similar to Photograph C) along w/ concrete steps and stoop for main floor client entrance.

Best Alternative #3: Photograph D depicts a front door portico and porch in nearby Rountree neighborhood. Best preferred alternative is: restore exterior at 3<sup>rd</sup> floor generally as in photograph B (perhaps with somewhat larger 3<sup>rd</sup> floor window); retain 2<sup>nd</sup> floor door to access roof of proposed portico; and build portico and porch similar to Photograph D with attractive "period" exterior door system for main floor client entrance.

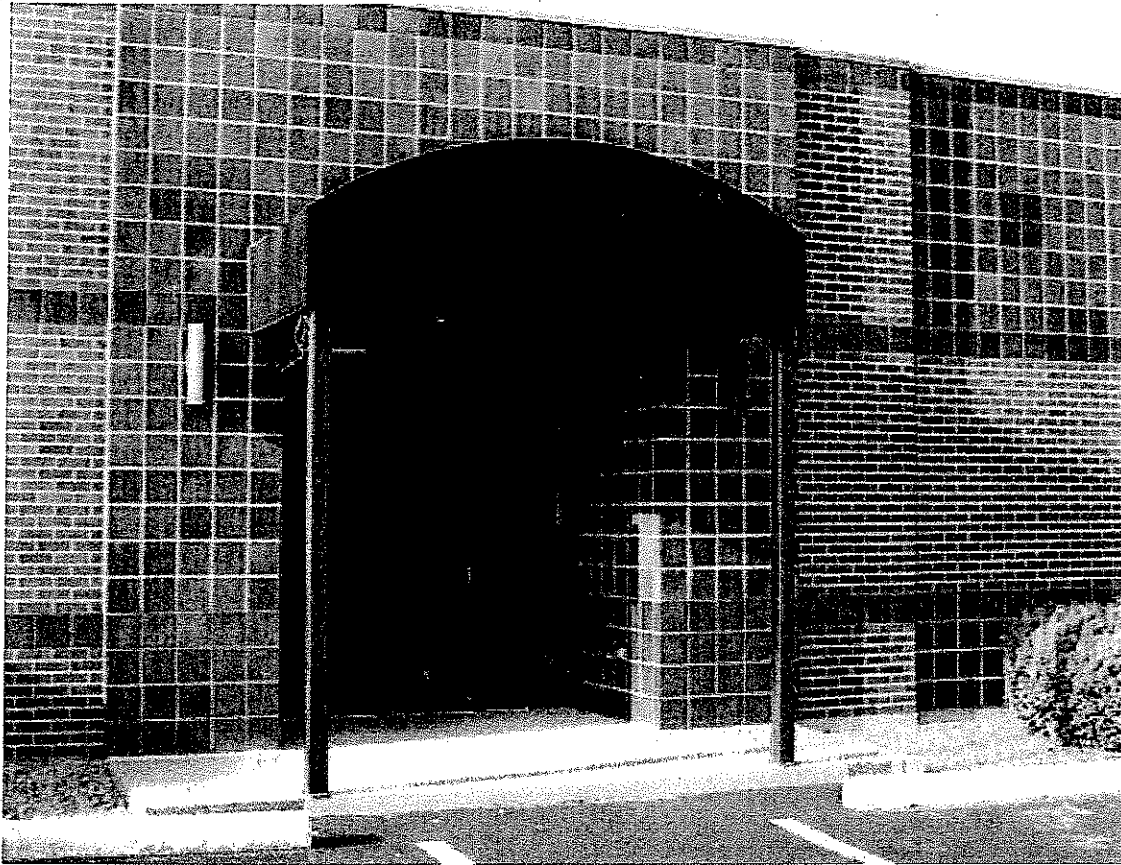
*Bob* - Also call when convenient

A





EXISTING HOUSE 1995  
WILL FLETCHER RESIDENCE & LAW OFFICE  
302 SOUTH NATIONAL, SPRINGFIELD MISSOURI



C



(2)



D



(7)

May 27, 2008

To: Daniel Neal

From: Nick Heatherly 

RE: 302 S. National

I have reviewed the information submitted by Mr. Bob Sweere and have determined that I do not have the administrative authority to issue a Certificate of Appropriateness for the proposed project at the above referenced address. Of the three alternatives presented in the submittal, Alternative #1 came closest to meeting the intent of the Walnut Street Design Guidelines, with the exception of the proposed larger 3<sup>rd</sup> floor window, all of which would require review and approval of the Landmarks Board.

The information provided did not address how the siding of the structure would be fixed in those areas where the 2<sup>nd</sup> and 3<sup>rd</sup> floor doors would be removed and no information was provided as to what type of window was to be installed in the 2<sup>nd</sup> floor.

In reference to the use of the third floor as a residential living space, the BDS staff is investigating this matter and will provide a ruling at a later date.

If you have any additional questions, please feel free to contact me at 864-1059.

TO: City of Springfield, MO:  
Planning and Zoning Commission  
Landmarks Board  
Planning and Development Staff

Re: 245 S. National, 307 S. National, 309 S. National, 323 S. National, 302 S. National, 308 S. National, 310 S. National, 316 S. National, and 320 S. National

We, the undersigned, constitute 100% of the owners of those properties fronting South National Avenue which are a part of the Walnut Street Urban Conservation District, an appendage of the real Walnut Street West Local Historic District.

We have very little association with the historic homes on Walnut Street. We do not participate in Artfest or Cider Days. Our properties do not have the historic residential garden character of the properties on Walnut Street. We have not received, and will not likely receive, the benefit of any of the funds allocated for infrastructure improvements on the Walnut Street corridor.

None of our properties are being used as single family dwellings. Our properties are being used for office, retail, multi-family residential and related commercial purposes. The uses of our properties are governed primarily by their location on South National Avenue — the major Center City North/South thorough fare.

We respectfully request that the City of Springfield, and all appropriate Boards and entities involved, consider removing our 100% ownership group from the Walnut Street Urban Conservation District. We desire to maintain and improve our properties in an economic and affordable fashion. Due primarily to constraints imposed by the Walnut Street Design Guidelines however, we have not been able to do so.

The Vision 20/20 Strategic Plan has determined that Center City Revitalization is a key component of future community development. The Center City Element of Vision 20/20 has determined that the City should promote private redevelopment on the fringes of downtown. The WSUCD overlay however, has effectively stymied the redevelopment of 245-320 South National Avenue.

We are represented by Mr. Robert Sweere, Attorney at Law, and contractual new property owner. Mr. Sweere can be reached at (417) 862-3704 or (417) 848-1820. Thank you for your immediate consideration of this request.

302 South National  
Parenting Life Skills Center

By: \_\_\_\_\_

Date: \_\_\_\_\_

302 South National



Robert Sweere, Contractual Buyer

Date: 5/19/08



Page 2  
Letter to City of Springfield  
Re: 245-320 S. National Avenue

307, 309, 323 South National  
Kirk A Heyle Living Trust

By: [Signature: Kirk A. Heyle]

Date: 5/19/08

308 South National

[Signature: Julie Conway]

Julie Conway

Date: 5/20/08

245 South National

[Signature: Linda D. Hunt]

Linda Hunt

Date: 5/20/08

310 South National

\_\_\_\_\_  
Ronald Conway

Date: \_\_\_\_\_

320 South National  
Goforth Creations, LLC

By: \_\_\_\_\_

Date: \_\_\_\_\_

316 S. National  
Kirk A. Heyle Living Trust

By: [Signature: Kirk A. Heyle]

Contractual Buyer

Date: 5/19/08

Page 2

Letter to City of Springfield

Re: 245-320 S. National Avenue

307, 309, 323 South National  
Kirk A. Heyle Living TrustBy: [Signature]Date: 5/19/08

308 South National

Julie Conway

Date: \_\_\_\_\_

245 South National

Linda Hunt

Date: \_\_\_\_\_

310 South National

[Signature]

Ronald Conway

Date: 5/19/08320 South National  
Go forth Creations, LLC

By: \_\_\_\_\_

Date: \_\_\_\_\_

316 S. National  
Kirk A. Heyle Living TrustBy: [Signature]

Contractual Buyer

Date: 5/19/08

(k)

Page 2  
Letter to City of Springfield  
Re: 245-320 S. National Avenue

307, 309, 323 South National  
Kirk A Heyle Living Trust

By: [Signature]

Date: 5/19/08

308 South National

Julie Conway

Date: \_\_\_\_\_

245 South National

Linda Hunt

Date: \_\_\_\_\_

310 South National

Ronald Conway

Date: \_\_\_\_\_

320 South National  
Goforth Creations, LLC

By: [Signature]

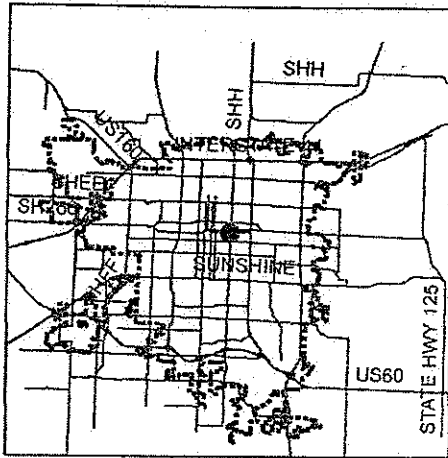
Date: 5.21.08

316 S. National  
Kirk A. Heyle Living Trust

By: [Signature]

Contractual Buyer

Date: 5/19/08



# Zoning & Subdivision Report

Planning & Development - 417-864-1611  
840 Boonville - Springfield, Missouri 65801

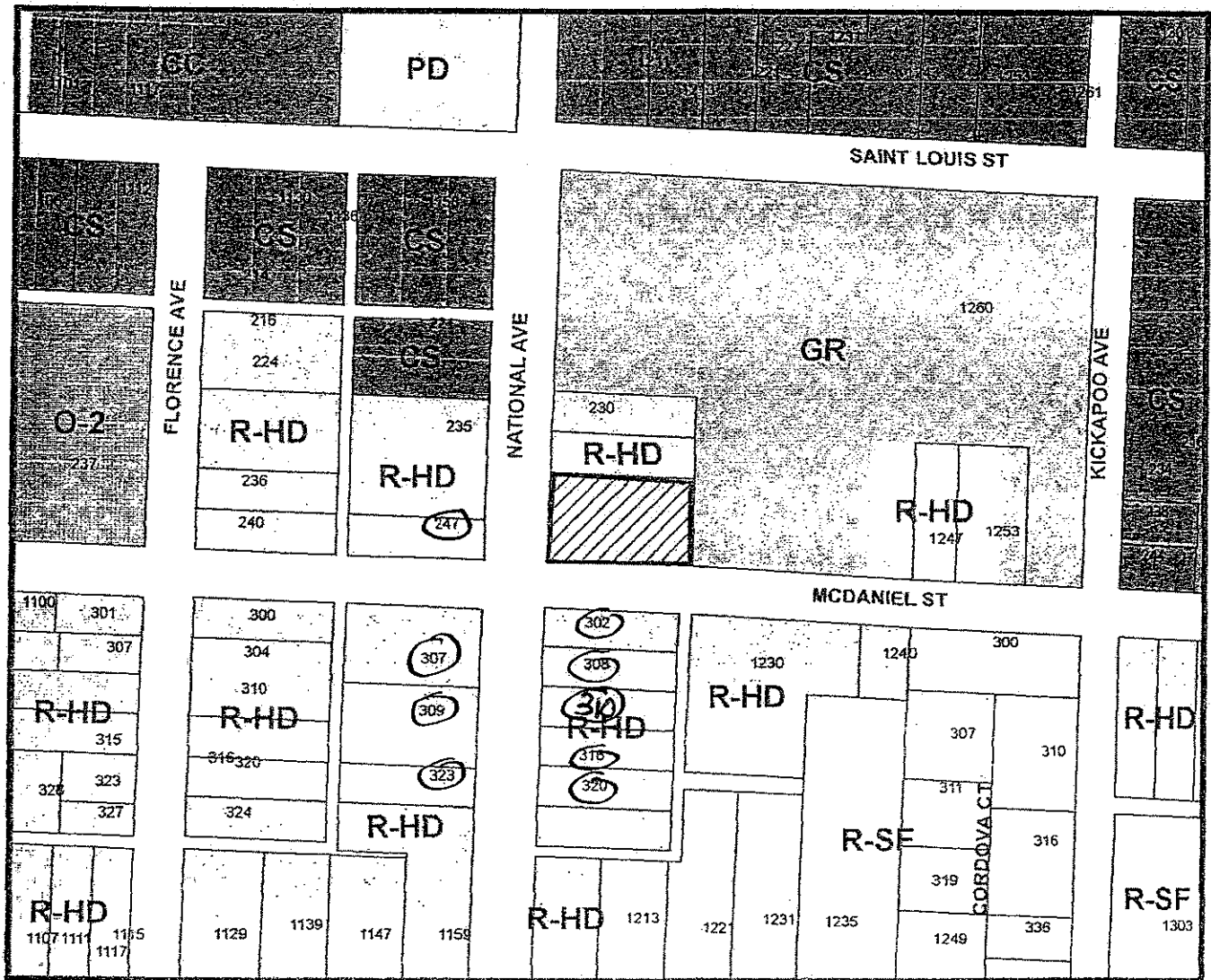
## Zoning Case Z-12-2008

Location: 242 South National Avenue

Current Zoning: R-HD

Proposed Zoning: GR

### LOCATION SKETCH



- Area of Proposal



1 inch equals 200 feet



April 14, 2009

Mr. Robert Sweere, Attorney  
302 S. National Avenue  
Springfield, Mo. 65802

Re: Proposed Walnut Street West UCD Boundary Changes or Amendments

Dear Mr. Sweere:

We have reviewed your request to be removed from the boundaries of the Walnut Street Urban Conservation District, and/or to make certain text amendments to lessen the economic burden of making repairs to your property and your client's properties. As a part of the review process we contacted the State Historic Preservation Office to determine if there was any experience with similar issues in other Missouri cities requesting removal based upon location within the district and economic burden. Other cities, we have found, use the Certificate of Appropriateness and Certificate of Economic Hardship to address issues that emerge in their districts.

In the beginning of our discussions, staff stated that we would consider proposals that might offer better options for the marketability and use of the properties in question. The existing UCD allows more uses than what would be allowed under conventional zoning. In fact, the City Council just expanded those uses to allow for personal service uses within a portion of the District. Your properties are included as a part of that amendment. We do not see a better option in your proposal. Staff will not support a request to be removed from the District.

In our meeting you also stated that the cost of maintenance and restoration was cost prohibitive. It has been our experience that the Landmark's Board has allowed for substitute materials to be used in repairs when those substitutes were warranted and did not distract from the District's unique character. We recommend that you apply for a **Certificate of Economic Hardship** if you think the repair and replacement costs provide an economic impediment to making those repairs. There are sixteen review guidelines set out for consideration of the Certificate in Section 4-2404 of the Springfield Zoning Ordinance. The Landmark's Board may consider "any or all" of these guidelines. In many instances a design professional services may not be necessary. Staff does not support a request to amend the requirements. The existing ordinance provides an avenue to address the issues we have discussed.

**DEPARTMENT OF PLANNING & DEVELOPMENT**

840 Boonville Avenue, P.O. Box 8368 Springfield, Missouri 65801-8368  
phone: (417) 864-1611 fax: (417) 864-1882  
homepage: <http://www.springfieldmogov.org> e-mail: [city@ci.springfield.mo.us](mailto:city@ci.springfield.mo.us)



(n)

We have enclosed an application for a Certificate of Hardship for your review and consideration. There is no cost associated with the processing of this application. If you do not prevail in your application for an Economic Hardship an appeal can be directed to the Board of Adjustments.

Cordially,

*MICHAEL K MACPHERSON*

Mike MacPherson  
Principal Planner

Cc: Enclosure

**Application for Certificate of Economic Hardship  
to the  
Director of Planning and Development**

**Instructions to applicant(s)**

You must complete this application and submit it to the Director's office at least 15 working days before a scheduled Landmarks Board meeting.

Not less than 10 days before hearing your application, the Landmarks Board will post signs on the property relevant to your application that indicate:

- a. the action you propose; and,
- b. the hearing time, date and place.

You must submit the items that apply to your case in the attached "Review Criteria" checklist. Just attach them to the checklist. For your convenience, the checklist has boxes that you can check as you gather each item. If an item does not apply to your case, write "NA" on the check box.

**Applicant Statements**

My(our) name(s) is (are) \_\_\_\_\_

The structure address is \_\_\_\_\_

(Check only one of the boxes below. For the box you check, fill in the lines after either "a." or "b." according to the statement you wish to make. Providing photographs is helpful.)

*Total degeneration*

- a. The structure has degenerated beyond feasible limits for rehabilitation because

---



---

\_\_\_\_\_  
\_\_\_\_\_; or,

- b. The structure's rehabilitation is impracticable because

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_; and,

- c. I(we) have an economic hardship.

*Partial degeneration*

- a. The structure's \_\_\_\_\_ (specify parts, e.g., windows)  
have degenerated beyond feasible limits for rehabilitation because

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- b. For the structure's \_\_\_\_\_ (specify parts, e.g.,  
windows), rehabilitation is impracticable because

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_; and,

(9)

c. I(we) have an economic hardship.

**Applicant Signatures**

---

---

## Review Criteria

Cost estimate of:

- a. what you propose \$ \_\_\_\_\_;
- b. what would be necessary for a "Certificate of Appropriateness" \$ \_\_\_\_\_.

A report from a licensed engineer or architect with experience in recognized historic property rehabilitation on the structural soundness of any structures on the property and their suitability for rehabilitation.

A report from a state-certified real estate appraiser as to the property's estimated market value:

- a. in its current condition;
- b. after completing the construction, alteration, demolition, or removal you propose;
- c. after any changes the Landmarks Board recommends; and,
- d. in the case of a proposed demolition, after renovating the existing property for continued use.

In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser or other real estate professional, experienced in recognized historic property rehabilitation, on the economic feasibility of rehabilitation or reuse of the existing structure on the property.

If the property is income-producing, for the previous 2 years:

- a. the annual gross income from the property;
- b. itemized operation and maintenance expenses; and,
- c. depreciation deduction and annual cash flow before and after debt service, if any.

All property appraisals within the previous 2 years.

Any listing of the property for sale or rent, price asked and offers received, if any, within the previous 2 years.

Assessed value of the property according to the 2 most recent assessments.

Real estate taxes for the previous 2 years.

Form of ownership or operation of the property:

- a. sole proprietorship;
- b. for profit;
- c. not-for-profit corporation;
- d. limited partnership;
- e. joint venture; or,
- f. other \_\_\_\_\_ (please specify).

- a. Amount paid for the property \_\_\_\_\_;
- b. purchase date \_\_\_\_\_; and,
- c. seller's name \_\_\_\_\_ (describe the relationship, if any, between you and the seller, and your financing terms).

Annual debt service, if any, for the previous 2 years.

Describe any profitable, adaptive uses you have considered for the property:

Describe any replacement-construction plans you have for the property. ( Include, among other things, drawings or sketches with sufficient detail to show the exterior appearance and architectural design you propose.

---

---

Financial proof of your ability to complete the replacement project:

- a. performance bond;
- b. letter of credit;
- c. trust for completion of improvements; or,
- d. letter of commitment from a financial institution.

DEPARTMENT OF PLANNING AND DEVELOPMENT  
MEMORANDUM

Date: June 10, 2008

To: Mayor Tom Carlson and Members of City Council

From: Daniel Neal, Senior Planner

Subject: Re: Letter regarding National Avenue properties within the Walnut Street West Urban Conservation District

---

This memo is in response to a recent letter and petition signed by National Avenue property owners requesting their properties be removed from the Walnut Street West Urban Conservation District.

The Walnut Street – West Urban Conservation District (UCD) was originally approved on October 15, 1984 with General Ordinance No. 3560. This UCD allows limited commercial uses and requires Landmarks Board review for exterior modifications of buildings. The UCD was adopted as a result of the mitigation agreement for the University Plaza Redevelopment Project. The mitigation plan included the following requirements: undertake a preservation plan for the area that will include a necessary survey, land use and zoning information, research and recommend local ordinances and incentives to ensure preservation of the remaining portion of the area.

All of the properties listed on the petitions are also listed as contributing structures in the Walnut Street National Historic District on the National Register of Historic Places and are eligible for federal tax credits, federal historic preservation fund grants and state tax credits when available.

The process to amend the district boundaries of the Walnut Street - West UCD would begin with a formal rezoning application. This application would currently require a completed application, processing fee of \$1,000, a legal description of the entire UCD area to be amended, a certified list and stamped envelopes of all property owners within the UCD. A neighborhood meeting following City Council adopted policies would be conducted notifying all property owners within the UCD of the proposed changes prior to the Planning and Zoning Commission meeting. None of the property owners have initiated a rezoning application.

The proposed amendment requested in the letter does not address one major issue. The UCD also establishes the uses currently existing on the properties, thus the removal of the properties from the UCD would render the uses non-conforming. The underlying zoning would not permit office or restaurant uses as



they exist. The current underlying zoning of these properties is R-HD, High-Density Multi-Family and only residential uses would be permitted. The underlying zoning would not permit the existing office and restaurant uses. The property owners will also need to submit an application to rezone the property to a zoning district that allows the existing uses.

Staff met Mr. Bob Sweere and Kirk Heyle on Tuesday, June 3<sup>rd</sup> regarding the proposed UCD amendment letter. They expressed their concern with the existing UCD and its effects on their property, specifically the Walnut Street Design Guidelines and the Landmarks Board review. They felt the design guidelines are too stringent and make no sense in their cases. Staff asked for more details of their proposal and explained that staff is not supportive of the request unless the property owners can show what they are proposing will either continue to protect the historic resources or their redevelopment will be an improvement to the area. Staff explained that the Walnut Street UCD was formed to mitigate the University Plaza Redevelopment Project and thus there needed to be clear and concise reasoning for changing that action. Staff is concerned that removing the proposed properties from the UCD would set a precedent in the district and is contrary to the previous agreement made to mitigate the University Plaza Redevelopment Project. The Walnut Street Urban Conservation District contains important historic resources for the City of Springfield and these resources should be preserved and protected to the extent feasible. Staff suggested the property owners submit a more detailed plan so that staff can evaluate whether or not we can support the change.

Please feel free to contact me at (417) 864-1036 if you have any questions or need any additional information.

c: Evelyn Honea, Interim City Manager  
 Collin Quigley, Assistant City Manager  
 Dan Wichmer, City Attorney  
 Brenda Cirtin, City Clerk  
 Ralph Rognstad, Planning and Development Director  
 Mike MacPherson, Principal Planner

M:\CouncilMemo-WalnutStWestUCD.doc

81-295

DRAFT MITIGATION PROPOSAL  
UNIVERSITY PLAZA REDEVELOPMENT PROJECT  
SPRINGFIELD, MISSOURI

I. RELOCATION

The City will insure that the following measures are carried out:

1. The City will provide an opportunity for the relocation and preservation of the properties in the Dollison-Walnut Historic District and the Hampton Wedge Historic District in accordance with the following procedures:

- (a) The City will provide the present owners or occupants of each property in the Dollison-Walnut and Hampton Wedge Historic Districts and the general public an option to relocate the buildings in said districts to another site within the neighborhood area. Owners will be given first priority for relocation; occupants will be given second priority; and the general public, third priority.

Owners will be notified in writing of their option to relocate the buildings that they own at the same time that the original purchase offer for their property is made by the City of Springfield or its agent. The owner will have sixty (60) days, from the date of the delivery of the notice of the option, to exercise that option by a written acceptance

directed to the Land Clearance for Redevelopment Authority for the City of Springfield, Missouri (LCRA). The building will be required to be moved from its site in the project area within ninety (90) days following the date of delivery of such written acceptance.

Occupants and the general public, other than owners, will be given ninety (90) days from the date of the first public advertisement that the property is available (see subparagraph 1(c)) to file a written offer to relocate a building with the LCRA. Each occupant or member of the general public will have ninety (90) days from the date he or she is notified that the offer to relocate has been accepted to move the building from its site in the project area.

The exercise of the option to relocate a building to another site within the neighborhood area, whether exercised by the owner of the building, an occupant, or a member of the general public, shall not in any respect reduce the compensation offered or paid by the City or its agent for acquisition of the property for the project or reduce the relocation benefits provided by federal statute.

Determinations of eligibility and compliance with the standards required herein to relocate a structure to another site within the neighborhood shall be the responsibility of the

Historic Site Board of the City of Springfield, Missouri, in consultation with the State Historic Preservation Officer.

- (b) The City will prepare a marketing brochure with pertinent information on the properties within the historic districts of the Dollison-Walnut and Hampton Wedge areas. This brochure will contain parcel maps, photographs and information on the Economic Recovery Tax Act of 1981 and the Secretary of the Interior's "Standards for Rehabilitation." It will also contain information of public and private sources of funding for rehabilitation and preservation of the properties to be relocated. This brochure and a distribution list of potentially interested parties will be submitted for review and approval to the Missouri State Historic Preservation Officer prior to printing or distribution.
- (c) The buildings subject to relocation in the Dollison-Walnut and Hampton Wedge Historic Districts will be advertised as so available in local and state newspapers and Preservation News and the Missouri Preservation News. Details of the advertising, such as its frequency and the specific publications in which it will appear, will be determined in concert with and approved by the Missouri State Historic Preservation Officer.
- (d) All buildings to be relocated will be subject to restrictive covenants (Attached) regarding the buildings' preservation and

maintenance.

- (e) An owner, occupant, or a member of the general public relocating a building must agree to rehabilitate and maintain the building in accordance with the Secretary of Interior's "Standards for Rehabilitation."

2. If no person desiring and qualified to relocate a building is found in the time agreed upon in Stipulation I(a), or if a building is not moved from its project site in the time frame set forth in Stipulation I(a), then in either such event the City or its agent may proceed to demolish the building. Prior to demolition, the City will record the building so that there will be a permanent record of its existence as specified in Stipulation III below.

3. If any building is demolished, the City will notify the Keeper of the National Register so that it will be removed from the list of properties determined eligible for inclusion in the National Register.

## II. SALVAGE

Prior to the demolition of any building in the Dollison-Walnut Historic District or the Hampton Wedge Historic District, or prior to the demolition of the Shockley Tire Building, the Springfield Historic Sites Board will be given a reasonable opportunity to identify architectural elements of such buildings desirable for removal and use in

other buildings or projects. The City of Springfield will be responsible for insuring the careful removal and storage of these architectural elements and will be required to store these elements for a period of at least one year from the date of their removal and will deliver them without cost to the Springfield Historic Site Board.

### III. RECORDATION

Prior to the demolition or alteration of any of the properties in the Dollison-Walnut Historic District, the Hampton Wedge Historic District or the Shockley Tire Building, the City will record the buildings so that there will be a permanent record of their existence. The City will first contact the National Architectural and Engineering Record, (NAER), National Park Service, Department of the Interior, Washington, D.C. 20243; 202-343-6217, to determine the level of documentation required. All documentation must be accepted by NAER and the Council notified of that acceptance, prior to demolition or alteration. The City will also provide copies of this documentation to the Missouri State Historic Preservation Officer and the Historic Sites Board of Springfield. Since the project is planned for three phases of construction, the City may phase its recordation process in accordance with the above conditions to coincide with construction scheduling.

### IV. VISUAL SCREENING

(f)

A landscaping plan to minimize the visual impact of the University Plaza Redevelopment Project on the remaining structures and Streetscape of the Dollison-Walnut and Hampton Wedge Historic Districts to preserve the setting of the Walnut Street area to the East and South of the Redevelopment Area will be developed by the developer in consultation with the Missouri State Historic Preservation Officer and the Springfield Historic Sites Board. The plan must be approved by the Missouri State Historic Preservation Officer and the Springfield Historic Sites Board before its implementation.

#### V. PRESERVATION PLAN

Within two years of the ratification of this agreement, the City, through the Springfield Historic Sites Board and The Historic Preservation Society of Springfield & Greene County, and in consultation with the Missouri State Historic Preservation Officer, will undertake a preservation planning project leading to the designation of an East Walnut Street Historic District for the area of residences which are a part of the Walnut Street and Hampton Wedge residential areas outside of the redevelopment area. The designation will be sought at the City and National Register level. This project should result in a preservation plan for the area and will include necessary survey, land-use and zoning information, research and recommended local ordinances and incentives to ensure the preservation of the remaining portion of this

area which are subject to indirect effects of the University Plaza Redevelopment Project.

#### VI PUBLICATION

The City will ensure that a historical narrative and record of the significance of this University Plaza Redevelopment Project area will be prepared and published. This publication will include a history of the area from its initial settlement period to the present, a narrative of the cultural resource management process and pertinent graphic materials. The exact format and contents along with specific details for this publication will be developed by the City in consultation with, and with the approval of, the Missouri State Historic Preservation Officer.

#### VII SOROSIS CLUB

The City and the developer will transfer to the Historic Preservation Society of Springfield and Greene County the building at 838 East Walnut Street for its use and preservation. The widening of Dollison will take a portion of the east yard, and the City will ensure that adequate care is taken during construction to prevent damage to the building, and in consultation with the Missouri State Historic Preservation Officer develop a landscaping plan after the widening of Dollison is completed.



VIII ARCHEOLOGICAL SITES

Archeological sites will be treated in accordance with the stipulations specified in the October 7, 1981, letter from the State Historic Preservation Officer to the City of Springfield, Missouri.

APPROVED BY:

CITY OF SPRINGFIELD, MISSOURI

By: *Carol Bush*  
City Manager,

AND BY THE HISTORIC SITE BOARD  
OF THE CITY OF SPRINGFIELD,  
MISSOURI,

By: *Bill James*  
Chairman,

AND BY THE HISTORIC PRESERVATION  
SOCIETY OF SPRINGFIELD & GREENE  
COUNTY, MISSOURI

By: *Ray G. Payton*  
President

Approved as to Form:

*Howard Wright*  
Howard Wright

City Attorney

Contract No.:

81-295